

City Clerk File No. Ord. 15.122

Agenda No. 3.A 1st Reading

Agenda No. 4.A 2nd Reading & Final Passage



ORDINANCE OF JERSEY CITY, N.J.

COUNCIL AS A WHOLE
offered and moved adoption of the following ordinance:

CITY ORDINANCE 15.122

TITLE: AN ORDINANCE APPROVING A FIVE (5) YEAR TAX EXEMPTION PURSUANT TO THE PROVISIONS OF N.J.S.A. 40A:21-1, ET SEQ., AND SECTION 304-12 OF THE MUNICIPAL CODE FOR PROPERTY DESIGNATED AS BLOCK 14301, LOT 13, ON THE CITY'S TAX MAP AND MORE COMMONLY KNOWN BY THE STREET ADDRESS OF 102 YORK STREET

THE MUNICIPAL COUNCIL OF THE CITY OF JERSEY CITY DOES ORDAIN:

WHEREAS, the City of Jersey City as an area in need of rehabilitation, is authorized to adopt an ordinance to utilize tax exemptions pursuant to N.J.S.A. 40A:21-1, et seq., the Five (5) Year Exemption and Abatement Law; and

WHEREAS, pursuant to N.J.S.A. 40A:21-1 et seq., the City of Jersey City adopted Ordinance 05-060, Section 304-6 et seq. of the Municipal Code, to allow Five (5) Year Tax Exemptions which allows the Tax Assessor to regard the full and true value or a portion thereof of certain improvements as not increasing the full and true value of certain property for a period of five (5) years, provided the owner's application is approved by the Tax Assessor and by Ordinance of the Municipal Council; and

WHEREAS, by the adoption of Ordinance 14-027 on March 12, 2014, applicants must apply for five-year tax abatements before construction commences; and

WHEREAS, New York Street, LLC [Entity], is the owner of Property designated as Block 14301, Lot 13, on the City's Tax Map and more commonly known by the street address of 102 York Street, Jersey City, New Jersey; and

WHEREAS, the Entity commenced construction on March 1, 2013, prior to March 12, 2014; and

WHEREAS, the Entity has completed construction a new eight (8) story building to contain approximately three hundred and thirty two (332) square feet of ground-floor commercial space on August 12, 2015; and

WHEREAS, on January 12, 2015, the Entity filed an application for a five (5) year tax exemption to construct this Project, a copy of which application is attached hereto; and

WHEREAS, New York Street, LLC, proposes to pay the City (in addition to the full taxes on the land, which shall continue to be conventionally assessed and are currently taxed at the sum of \$8.036) a tax payment for the new improvements on the property, as follows:

- (a) 2015: the tax year in which the structure will be completed. \$0 taxes due on improvements;

AN ORDINANCE APPROVING A FIVE (5) YEAR TAX EXEMPTION PURSUANT TO THE PROVISIONS OF N.J.S.A. 40A:21-1, ET SEQ., AND SECTION 304-12 OF THE MUNICIPAL CODE FOR PROPERTY DESIGNATED AS BLOCK 14301, LOT 13, ON THE CITY'S TAX MAP AND MORE COMMONLY KNOWN BY THE STREET ADDRESS OF 102 YORK STREET

- (b) 2016: the second tax year, 20% of taxes otherwise due on improvements, estimated to be \$10,033;
- (c) 2017: the third tax year, 40% of taxes otherwise due on improvements, estimated to be \$20,466;
- (d) 2018: the fourth tax year, 60% of taxes otherwise due on improvements, estimated to be \$31,314; and
- (e) 2019: the fifth tax year, 80% of taxes otherwise due on improvements, estimated to be \$42,587;

WHEREAS, the Tax Assessor has determined that the new construction will generate an additional tax payment of \$8,929 for land and \$54,297 for improvements, for a total of \$63,228 a year; and

WHEREAS, the applicant has agreed that in the event the Citywide revaluation results in a decrease in the estimated amount of actual taxes otherwise due, then for purposes of calculating a tax payment hereunder and for the five (5) year period, the amount shall be calculated on the higher of the amount estimated hereunder or the actual taxes otherwise due; and

WHEREAS, the application for tax exemption was complete and timely filed; the application was approved by the Tax Assessor and the commercial Project is eligible for tax exemption pursuant to N.J.S.A. 40A:21-9 and Section 304-12 of the Municipal Code; and

WHEREAS, upon the expiration of the tax exemption, the total assessment, including both land and improvements, will generate a total tax payment of \$63,228; and

WHEREAS, New York Street, LLC, has agreed to pay the sum of \$12,498 to the City's Affordable Housing Trust Fund, which shall be paid in intervals set forth in Section 304-28 of the Municipal Code; and

WHEREAS, pursuant to N.J.S.A. 40A:21-9 and Section 304-12 of the Municipal Code, a tax exemption for a new eight (8) story mixed-use market rate residential rental building with eight (8) residential units and one ground floor commercial unit containing approximately three hundred and thirty two (332) square feet of commercial space, is permitted for a period of five (5) years.

NOW, THEREFORE, BE IT ORDAINED by the Municipal Council of the City of Jersey City that:

1. The application, attached hereto, for a five (5) year tax exemption for the full and true value of a new eight (8) story building to contain approximately one approximately three hundred and thirty two (332) square feet of ground-floor commercial space; and located in Block 14301, Lot 13, and more commonly known by the street address of 102 York Street, Jersey City, N.J., is hereby approved.

2. The Mayor or Business Administrator is hereby authorized to execute a tax exemption agreement which shall contain at a minimum, the following terms and conditions:

- (a) tax payment on the new improvements shall be:

AN ORDINANCE APPROVING A FIVE (5) YEAR TAX EXEMPTION PURSUANT TO THE PROVISIONS OF N.I.S.A. 40A:21-1, ET SEQ., AND SECTION 304-12 OF THE MUNICIPAL CODE FOR PROPERTY DESIGNATED AS BLOCK 14301, LOT 13, ON THE CITY'S TAX MAP AND MORE COMMONLY KNOWN BY THE STREET ADDRESS OF 102 YORK STREET

- (i) Year 1: the tax year in which the structure will be completed. \$0 taxes;
- (ii) Year 2: the second tax year, 20% of taxes otherwise due on improvements, estimated to be \$10,033;
- (iii) Year 3: the third tax year, 40% of taxes otherwise due on improvements, estimated to be \$20,466;
- (iv) Year 4: the fourth tax year, 60% of taxes otherwise due on improvements, estimated to be \$31,314; and
- (v) Year 5: the fifth tax year, 80% of taxes otherwise due on improvements, estimated to be \$42,587.

The applicant has agreed that in the event the Citywide revaluation results in a decrease in the amount of actual taxes otherwise due for purposes of calculating a tax payment hereunder; during this five (5) year period, the amount due hereunder shall be calculated on the higher of the amount estimated above or the actual taxes due after the revaluation; and

(b) The project shall be subject to all federal, state and local laws, and regulations on pollution control, worker safety, discrimination in employment, zoning, planning, and building code requirements pursuant to N.I.S.A. 40A:21-11(b).

(c) If, during any tax year prior to the termination of the tax agreement, the property owner ceases to operate or disposes of the property, or fails to meet the conditions for qualifying, then the tax which would have otherwise been payable for each tax year shall become due and payable from the property owner as if no exemption and abatement had been granted. The collector forthwith ad the tax collector shall, within 15 days thereof, notify the owner of the property of the amount of taxes due.

(d) With respect to the disposal of the property, where it is determined that the new owner of the property will continue to use the property pursuant to the conditions which qualified the property, no tax shall be due, the exemption shall continue, and the agreement shall remain in effect.

(e) At the termination of a tax exemption agreement, the new improvements shall be subject to all applicable real property taxes as provided by State law and regulation and local ordinance; but nothing herein shall prohibit a project, at the termination of an agreement, from qualifying for, an receiving the full benefits of, any other tax preferences provided by law.

(f) Affordable Housing Trust Fund: \$1.50 x 332 square feet of commercial retail space and \$1,500 a unit for 8 residential units, for a total of \$12,498, due upon execution of the Financial Agreement.

3. An obligation to execute a Project Employment and Contracting Agreement to insure employment and other economic benefits to City residents and businesses during the term of the tax abatement.

AN ORDINANCE APPROVING A FIVE (5) YEAR TAX EXEMPTION PURSUANT TO THE PROVISIONS OF N.J.S.A. 40A:21-1, ET SEQ., AND SECTION 304-12 OF THE MUNICIPAL CODE FOR PROPERTY DESIGNATED AS BLOCK 14301, LOT 13, ON THE CITY'S TAX MAP AND MORE COMMONLY KNOWN BY THE STREET ADDRESS OF 102 YORK STREET

4. The form of tax exemption agreement is attached hereto as Exhibit B, subject to such modification as the Corporation counsel or Business Administrator deems necessary.
5. The Tax Assessor shall send a copy of the fully executed Financial Agreement will be sent to the Director of the Division of Local Government Services in the Department of Community Affairs within thirty (30) days of execution pursuant to N.J.S.A. 40a:21-11(d).
- A. All ordinances and parts of ordinances inconsistent herewith are hereby repealed.
- B. This ordinance shall be part of the Jersey City Code as though codified and fully set forth therein. The City Clerk shall have this ordinance codified and incorporated in the official copies of the Jersey City Code.
- C. This ordinance shall take effect at the time and in the manner provided by law.
- D. The City Clerk and Corporation Counsel be and they are hereby authorized and directed to change any chapter numbers, article numbers and section numbers in the event that the codification of this ordinance reveals that there is a conflict between those numbers and the existing code, in order to avoid confusion and possible accidental repealers of existing provisions.

NOTE: All material is new; therefore underlining has been omitted.
For purposes of advertising only, new matter is indicated by **bold face** and repealed matter by *italic*.

JJH
9/1/15


APPROVED AS TO LEGAL FORM



Paul Reddy Corporation Counsel

APPROVED: _____

APPROVED: _____


Business Administrator

Certification Required ☐

Not Required ☒

Ordinance of the City of Jersey City, N.J.



ORDINANCE NO. Ord. 15.122
TITLE: 3.A SEP 9 2015 4.A SEP 24 2015

An ordinance approving a five (5) year tax exemption pursuant to the provisions of N.J.S.A. 40A:21-1, et seq., and Section 304-12 of the Municipal Code for property designated as Block 14301, Lot 13, on the city's tax map and more commonly known by the street address of 102 York Street.

RECORD OF COUNCIL VOTE ON INTRODUCTION SEP 09 2015 8-0											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
GAJEWSKI	<u>ABSENT</u>			YUN	✓			RIVERA	✓		
RAMCHAL	✓			OSBORNE	✓			WATTERMAN	✓		
BOGGIANO	✓			COLEMAN	✓			LAVARRO, PRES.	✓		

RECORD OF COUNCIL VOTE TO CLOSE PUBLIC HEARING SEP 24 2015 7-0											
Councilperson <u>WATTERMAN</u> moved, seconded by Councilperson <u>OSBORNE</u> to close P.H.											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
GAJEWSKI	✓			YUN	✓			RIVERA	✓		
RAMCHAL	<u>ABSENT</u>			OSBORNE	✓			WATTERMAN	✓		
BOGGIANO	✓			COLEMAN	✓			LAVARRO, PRES.	<u>ABSENT</u>		

✓ Indicates Vote

N.V.--Not Voting (Abstain)

SPEAKERS:

RECORD OF COUNCIL VOTE ON AMENDMENTS, IF ANY											
Councilperson _____ moved to amend* Ordinance, seconded by Councilperson _____ & adopted											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
GAJEWSKI				YUN				RIVERA			
RAMCHAL				OSBORNE				WATTERMAN			
BOGGIANO				COLEMAN				LAVARRO, PRES.			

RECORD OF FINAL COUNCIL VOTE SEP 24 2015 7-0											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
GAJEWSKI	✓			YUN	✓			RIVERA	✓		
RAMCHAL	<u>ABSENT</u>			OSBORNE	✓			WATTERMAN	✓		
BOGGIANO	✓			COLEMAN	✓			LAVARRO, PRES.	<u>ABSENT</u>		

✓ Indicates Vote

N.V.--Not Voting (Abstain)

Adopted on first reading of the Council of Jersey City, N.J. on SEP 09 2015
Adopted on second and final reading after hearing on SEP 24 2015

This is to certify that the foregoing Ordinance was adopted by the Municipal Council at its meeting on SEP 24 2015

Robert Byrne
Robert Byrne, City Clerk

*Amendment(s):

APPROVED:

Rolando R. Lavarro, Jr.
Rolando R. Lavarro, Jr., Council President
Date SEP 24 2015

APPROVED:

Steven M. Fulop
Steven M. Fulop, Mayor
Date SEP 25 2015

Date to Mayor SEP 25 2015

City Clerk File No. Ord. 15.123

Agenda No. 3. B 1st Reading

Agenda No. 4. B. 2nd Reading & Final Passage



ORDINANCE OF JERSEY CITY, N.J.

COUNCIL AS A WHOLE

offered and moved adoption of the following ordinance:

CITY ORDINANCE 15.123

TITLE: AN ORDINANCE SUPPLEMENTING CHAPTER 332 (VEHICLES AND TRAFFIC) ARTICLE II (TRAFFIC REGULATIONS) AMENDING SECTION 332-5 (ONE-WAY STREETS) OF THE JERSEY CITY CODE DESIGNATING BROOKS PLACE FROM HURON AVENUE TO KENNEDY BOULEVARD AS A ONE WAY WEST AND DESIGNATING HURON AVENUE FROM ST. PAULS AVENUE TO BROOKS PLACE AS A ONE WAY SOUTH

THE MUNICIPAL COUNCIL OF THE CITY OF JERSEY CITY DOES ORDAIN:

1. Chapter 332 (Vehicles and Traffic) Article II (Traffic Regulations) of the Jersey City Code is hereby supplemented as follows:

Section 332-5 ONE-WAY STREETS

The streets or parts of streets listed below are hereby designated as one way streets in the direction indicated.

Name of Street	Direction	Limits
<u>Brooks Pl</u>	<u>West</u>	<u>Entire length</u>
<u>Huron Av</u>	<u>South</u>	<u>Entire length</u>

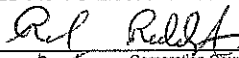
2. All ordinances and parts of ordinances inconsistent herewith are hereby repealed.
3. This ordinance shall be a part of the Jersey City Code as though codified and incorporated in the official copies of the Jersey City Code.
4. The City Clerk and the Corporation Counsel may change any chapter numbers, article numbers and section numbers if codification of this ordinance reveals a conflict between those numbers and the existing code, in order to avoid confusion and possible accidental repealers of existing provisions.
5. Pursuant to N.J.S.A. 39:4-8 appropriate notice of this traffic pattern change has been provided to the Office of the Hudson County Engineer.

NOTE: All material is new and underscored.

JDS:pcj
(08.28.15)

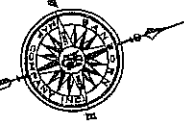
APPROVED: 
Director of Traffic & Transportation

APPROVED AS TO LEGAL FORM

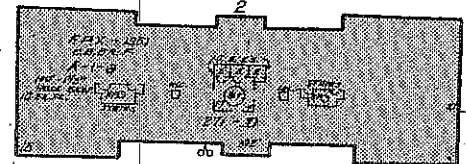
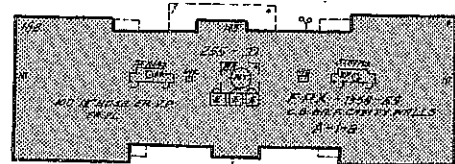
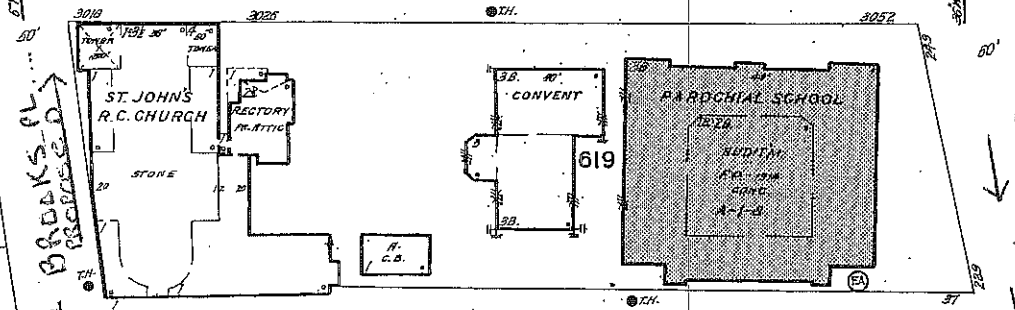

Corporation Counsel

APPROVED: 
Municipal Engineer
APPROVED: 
Business Administrator

Certification Required ☐
Not Required ☒



J. F. KENNEDY MEMORIAL BLVD
(HUDSON BLVD WEST)





CITY OF JERSEY CITY

STEVEN M. FULOP, MAYOR

July 21, 2015

Thomas DeGise
County Executive
583 Newark Avenue
Jersey City, NJ 07306

County Executive DeGise:

The City of Jersey City proposes to make the following changes to City streets within 500 feet of Hudson County road Kennedy Blvd.:

- 1. Change Huron Av. from two-way to one-way south**
- 2. Change Brooks Pl. from two-way to one-way west**

The purposes of these changes are to alleviate longstanding congestion and pedestrian safety issues related to the Golden Door Charter School at 3044 Kennedy Blvd. The changes are being made after extensive consultations with residents and business owners in the surrounding area.

Currently, Huron Av. and Brooks Pl. are closed three times during school days to accommodate entrance, recess, and dismissal at the Golden Door Charter School. The proposed changes will eliminate the need for these daily closures. Consequently, the City believes the proposed changes will improve the flow of traffic in the area.

Additionally, these changes will restrict cut-through traffic turning right onto Brooks Pl. from Kennedy Boulevard to access St. Pauls Av. and Route 139. As a result, these changes will increase pedestrian safety in the area, which in addition to, the school is the location of a large senior citizens' building north of St. Pauls Av.

Finally, Huron Av. and Brooks Pl. are side streets with minimal traffic, used mainly to access Golden Door Charter School and the two high-rise residential buildings on Huron Av. The City's engineering staff believes these changes will have minimal effects on Kennedy Blvd. and its intersections with Brooks Pl. and St. Pauls Av.

For these reasons, the City asks that the County waive requiring the City to conduct a traffic study for the described changes and allow the City to proceed in implementing these changes.

Thank you,

Douglas Carlucci
Aide to the Mayor

OFFICE OF THE MAYOR
CITY HALL
280 GROVE STREET
JERSEY CITY, NJ 07302

P: 201 547 5200
F: 201 547 5442

WWW.JERSEYCITYNJ.GOV

CC:

Abraham Antun, Hudson County Administrator
Demetrio Arencibia, Hudson County Engineer
Mark Albiez, Jersey City Chief of Staff
Robert Kakoleski, Jersey City Business Administrator
Stanley Huang, Jersey City Engineer
Joao D'Souza, Jersey City Division of Traffic

ORDINANCE FACT SHEET – NON-CONTRACTUAL

This summary sheet is to be attached to the front of any ordinance that is submitted for Council consideration. Incomplete or vague fact sheets will be returned with the resolution.

Full Title of Ordinance

AN ORDINANCE SUPPLEMENTING CHAPTER 332 (VEHICLES AND TRAFFIC) ARTICLE II (TRAFFIC REGULATIONS) AMENDING SECTION 332-5 (ONE-WAY STREETS) OF THE JERSEY CITY CODE DESIGNATING BROOKS PLACE FROM HURON AVENUE TO KENNEDY BOULEVARD AS A ONE WAY WEST AND DESIGNATING HURON AVENUE FROM ST. PAULS AVENUE TO BROOKS PLACE AS A ONE WAY SOUTH

Initiator

Department/Division	Administration	Architecture, Engineering, Traffic and Transportation
Name/Title	Joao D'Souza	Director of Traffic & Transportation
Phone/email	201.547.4470	JOAO@jcnj.org

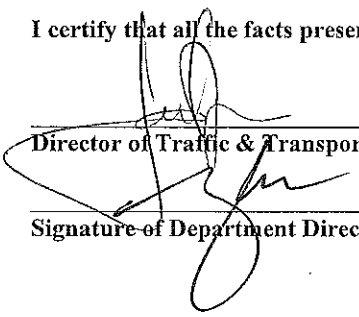
Note: Initiator must be available by phone during agenda meeting (Wednesday prior to council meeting @ 4:00 p.m.)

Ordinance Purpose

DESIGNATING BROOKS PLACE FROM HURON AVENUE TO KENNEDY BOULEVARD AS A ONE WAY WEST AND DESIGNATING HURON AVENUE FROM ST. PAULS AVENUE TO BROOKS PLACE AS A ONE WAY SOUTH

The change in traffic pattern on these two roadways will eliminate the daily school street closures for the Golden Door Charter School; improve traffic circulation in the area, increase pedestrian safety at the school and at the intersection of Huron Av & St. Paul's Av, where a Senior Citizen Complex is located on the north side of St. Paul's Av and will prohibit the cut-through for motorists northbound on Huron Av to east on to St. Paul's Av to access State Highway 139.

I certify that all the facts presented herein are accurate.



Director of Traffic & Transportation

Signature of Department Director

8/28/15

Date

9/2/15

Date

Ordinance of the City of Jersey City, N.J.



ORDINANCE NO. Ord. 15.123

TITLE:

3.B SEP 9 2015 4.B

SEP 24 2015

An ordinance supplementing Chapter 332 (Vehicles and Traffic) Article II (Traffic Regulations) amending Section 332-5 (One-Way Streets) of the Jersey City Code designating Brooks Place from Huron Avenue to Kennedy Boulevard as a one way west and designating Huron Avenue from St. Pauls Avenue to Brooks Place as a one way south.

RECORD OF COUNCIL VOTE ON INTRODUCTION SEP 09 2015 8-0											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
GAJEWSKI	ABSENT			YUN	✓			RIVERA	✓		
RAMCHAL	✓			OSBORNE	✓			WATTERMANN	✓		
BOGGIANO	✓			COLEMAN	✓			LAVARRO, PRES.	✓		

RECORD OF COUNCIL VOTE TO CLOSE PUBLIC HEARING SEP 24 2015 7-0											
Councilperson <u>RIVERA</u> moved, seconded by Councilperson <u>COLEMAN</u> to close P.H.											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
GAJEWSKI	✓			YUN	✓			RIVERA	✓		
RAMCHAL	ABSENT			OSBORNE	✓			WATTERMANN	✓		
BOGGIANO	✓			COLEMAN	✓			LAVARRO, PRES.	ABSENT		

✓ Indicates Vote

N.V.--Not Voting (Abstain)

SPEAKERS:

RECORD OF COUNCIL VOTE ON AMENDMENTS, IF ANY											
Councilperson _____ moved to amend* Ordinance, seconded by Councilperson _____ & adopted											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
GAJEWSKI				YUN				RIVERA			
RAMCHAL				OSBORNE				WATTERMANN			
BOGGIANO				COLEMAN				LAVARRO, PRES.			

RECORD OF FINAL COUNCIL VOTE SEP 24 2015 7-0											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
GAJEWSKI	✓			YUN	✓			RIVERA	✓		
RAMCHAL	ABSENT			OSBORNE	✓			WATTERMANN	✓		
BOGGIANO	✓			COLEMAN	✓			LAVARRO, PRES.	ABSENT		

✓ Indicates Vote

N.V.--Not Voting (Abstain)

SEP 09 2015

Adopted on first reading of the Council of Jersey City, N.J. on _____

SEP 24 2015

Adopted on second and final reading after hearing on _____

This is to certify that the foregoing Ordinance was adopted by the Municipal Council at its meeting on SEP 24 2015

Robert Byrne, City Clerk

*Amendment(s):

APPROVED:

Rolando R. Lavarro, Jr., Council President

Date SEP 24 2015

APPROVED:

Steven M. Fulop, Mayor

Date SEP 25 2015

Date to Mayor SEP 25 2015

City Clerk File No. Ord. 15.124

Agenda No. 3.C 1st Reading

Agenda No. 4.C. 2nd Reading & Final Passage



ORDINANCE OF JERSEY CITY, N.J.

COUNCIL AS A WHOLE
offered and moved adoption of the following ordinance:

CITY ORDINANCE 15.124

TITLE: ORDINANCE AUTHORIZING THE EXECUTION OF A RIGHTS-OF-WAY USE AGREEMENT BETWEEN THE CITY OF JERSEY CITY AND MOBILITIE, LLC D/B/A NYFI TO PERMIT THE INSTALLATION OF ANTENNAS AND RELATED COMMUNICATIONS EQUIPMENT ON EXISTING UTILITY POLES AND IF NECESSARY TO INSTALL UTILITY POLES WITHIN CERTAIN PUBLIC RIGHTS-OF-WAY FOR PURPOSES OF PROVIDING TELECOMMUNICATION SERVICES

WHEREAS, Mobilitie, LLC d/b/a NYFI ("Mobilitie"), 2220 University Drive, Newport Beach, CA 92660 is a telecommunications carrier authorized to provide services by the New Jersey Board of Public Utilities ("BPU") and the Federal Communications Commission ("FCC"); and

WHEREAS, Mobilitie has requested that the City of Jersey City ("City") grant it permission to construct, install, operate, and maintain antennas and related telecommunications equipment on existing utility poles located in the public rights-of-way and, if and where necessary, to install utility poles to accommodate such antennas and equipment within the public rights-of-way for the purpose of installing, operating, repairing, and maintaining a telecommunications system (Project); and

WHEREAS, Mobilitie agrees to execute this forty (40) year Use Agreement as set forth in Section 8 of this Use Agreement; and

WHEREAS, Mobilitie agrees to pay the City \$750.00 to cover administrative expenses incurred by the City for engineering and legal review of Mobilitie's Project as set forth in Section 7 of this Use Agreement; and

WHEREAS, Mobilitie agrees to pay the City's reasonable additional administrative expenses incurred by the City if the Project requires additional engineering and legal review as set forth in Section 7 of this Use Agreement; and

WHEREAS, N.J.S.A. 48:17-10 and N.J.S.A. 40:67-1 authorize the City to grant municipal consent for the installation of public utility lines in its rights-of-way; and

WHEREAS, it is deemed to be in the best interest of the City and its citizenry, including the commercial and industrial citizens, for the City to grant municipal consent to Mobilitie to occupy said public rights-of-way within the City for this purpose; and

WHEREAS, the granting of such consent is and shall be conditioned upon Mobilitie's continued compliance with all existing and future ordinances of the City and its entering into this Use Agreement with the City; and

WHEREAS, Mobilitie agrees to indemnify, defend and hold the City harmless as to all claims and liability resulting from any injury or damage which may arise from the construction, installation, operation, repair, maintenance, disconnect, replacement and removal of its telecommunications facilities within certain public rights-of-way as set forth in Section 9 of this

Use Agreement, and provide liability insurance coverage for personal injury and property damage as set forth in Section 11 of this Use Agreement.

**NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF
THE CITY OF JERSEY CITY THAT:**

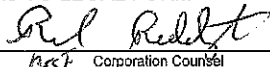
1. Non-exclusive consent is hereby granted to Mobilitie to use certain public rights-of-way within the City for the purpose of installation, operation, repair, and maintenance of a telecommunications system for a period of forty (40) years, subject to the mutual covenants and obligations as set forth in the Rights-of-Way Use Agreement attached hereto;
 2. The within granted permission is conditioned upon Mobilitie's executing the Rights-of-Way Use Agreement attached hereto and providing liability and property damage insurance; and
 3. The Mayor or Business Administrator is authorized to execute the attached Rights-of-Way Use Agreement.
-
- A. All ordinances and parts of ordinances inconsistent herewith are hereby repealed.
 - B. The City Clerk shall have this ordinance codified and incorporated in the official copies of the Jersey City Code.
 - C. This ordinance shall take effect at the time and in the manner as provided by law.
 - D. The City Clerk and the Corporation Counsel may change any chapter numbers, article numbers and section numbers if codification of this ordinance reveals a conflict between those numbers and the existing code, in order to avoid confusion and possible accidental repealers of existing provisions.

Note: New matter is underlined.

For purposes of advertising only, new matter is indicated by **boldface** and repealed matter by *italic*.

RR
8-28-15

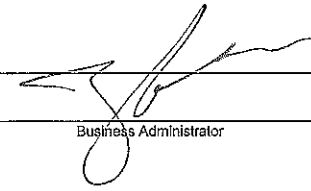
APPROVED AS TO LEGAL FORM



Corporation Counsel

APPROVED: _____

APPROVED: _____



Business Administrator

Certification Required ☒
Not Required ☐

RESOLUTION FACT SHEET - CONTRACT AWARD

This summary sheet is to be attached to the front of any resolution that is submitted for Council consideration. Incomplete or vague fact sheets will be returned with the resolution.

Full Title of Ordinance/Resolution

ORDINANCE AUTHORIZING THE EXECUTION OF A RIGHTS-OF- WAY USE AGREEMENT BETWEEN THE CITY OF JERSEY CITY AND MOBILITIE, LLC D/B/A NYFI TO PERMIT THE INSTALLATION OF ANTENNAS AND RELATED COMMUNICATIONS EQUIPMENT ON EXISTING UTILITY POLES AND IF NECESSARY TO INSTALL UTILITY POLES WITHIN CERTAIN PUBLIC RIGHTS-OF-WAY FOR PURPOSES OF PROVIDING TELECOMMUNICATION SERVICES

Project Manager

Department/Division	Law	Law
Name/Title	Jeremy Farrell	Corporation Counsel
Phone/email	547-4667	JFarrell@jcnj.org

Note: Project Manager must be available by phone during agenda meeting (Wednesday prior to council meeting @ 4:00 p.m.)

Contract Purpose

Mobilitie, LLC is a telecommunications carrier authorized to provide services by the New Jersey Board of Public Utilities ("BPU") and the Federal Communications Commission ("FCC"). It provides cell phone service in areas where cell phone service is not available. Mobilitie has requested that the City grant it permission to construct and maintain antennas and related telecommunications equipment on existing utility poles located in the public rights-of-way and, if and where necessary, to install utility poles to accommodate such antennas and equipment within the public rights-of-way for the purpose of installing and maintaining a telecommunications system. Mobilitie agrees to execute a forty year Use Agreement and will pay the City \$750.00 to cover administrative expenses incurred by the City for engineering and legal review of Mobilitie's Project.

Cost (Identify all sources and amounts)

Not applicable

Contract term (include all proposed renewals)

Forty Years

Type of award

Not Applicable

If "Other Exception", enter type**Additional Information**

I certify that all the facts presented herein are accurate.



STEVEN M. FULOP
MAYOR OF JERSEY CITY

CITY OF JERSEY CITY
DEPARTMENT OF LAW

CITY HALL | 280 GROVE STREET | JERSEY CITY, NJ 07302
P: 201 547 5229 | F: 201 547 5230



JEREMY FARRELL
CORPORATION COUNSEL

MEMORANDUM

TO: Rolando Lavarro, City Council President and City Council Members

CC: Jeremy Farrell, Corporation Counsel
Robert Byrne, City Clerk
Robert Kakoleski, Business Administrator

FROM: Raymond Reddington, Supervisory Assistant Corporation Counsel *R.R.*

DATE: August 31, 2015

SUBJECT: Ordinance authorizing the execution of a Rights-of-Way Use Agreement between the City of Jersey City and Mobilitie, LLC d/b/a NYFI

This ordinance authorizes the City of Jersey City (City) to execute a Rights-of-Way Use Agreement with Mobilitie, LLC d/b/a NYFI (Mobilitie). Mobilitie is a telecommunications carrier authorized to provide service by the New Jersey Board of Public Utilities and the Federal Communications Commission. It provides cell phone service in areas where cell phone service is not available. It has requested the City's permission to construct and maintain antennas and related telecommunications equipment on existing utility poles located in the public rights-of-way and, if and where necessary, to install utility poles to accommodate such antennas and equipment within the public rights-of-way for the purpose of installing and maintaining a telecommunications system.

The City Council must vote on the ordinance in order to avoid being in violation of the Federal Telecommunications Act of 1966 (Act), 47 U.S.C.A. §151 et seq. 47 U.S.C.A. § 253(a) of the Act preempts state and local laws and regulations that expressly or effectively prohibit the ability of an entity to provide telecommunication services. The only exception to the preemption is 47 U.S.C.A. § 253(c). It preserves the authority of a municipality to manage its public streets. The types of activities that fall within the sphere of appropriate management of the public streets by a municipality include coordination of construction schedules, determination of insurance, bonding and indemnity requirements, establishment and enforcement of building codes, and keeping track of the various companies using the public streets to prevent interference with them. See, Illinois Bell Telephone Co. v. Village of Itasca, 503 F. Supp. 2d. 928, 239-941 (Dist. II. 2007).

The Rights-of-Way Use Agreement contains the City's standard management provisions for the use of its public streets by a telecommunications company. Mobilitie agrees to comply with all of the City's management provisions.

RIGHTS OF WAY USE AGREEMENT

THIS RIGHTS OF WAY USE AGREEMENT ("Use Agreement") is dated the __ day of _____, 2015 (The "Effective Date"), and entered into by and between the City of Jersey City ("City"), a New Jersey Municipal Corporation, having its address at 280 Grove Street, Jersey City, New Jersey 07302, and Mobilitie, LLC d/b/a NYFI ("Mobilitie"), with offices located at 2220 University Drive, Newport Beach, CA 92660.

RECITALS

WHEREAS, Mobilitie is a telecommunications carrier authorized to provide services by the New Jersey Board of Public Utilities (BPU) and the Federal Communications Commission (FCC); and

WHEREAS, Mobilitie has requested that the City grant it permission to construct, install, operate, and maintain antennas and related telecommunications equipment on existing utility poles located in the public rights-of-way and, if and where necessary, to install utility poles to accommodate such antennas and equipment within the public rights-of-way for the purpose of installing, operating, repairing, and maintaining a telecommunications system (Project); and

WHEREAS, Mobilitie agrees to execute this forty (40) year Use Agreement as set forth in Section 8 of this Use Agreement; and

WHEREAS, Mobilitie agrees to pay the City \$750.00 to cover administrative expenses incurred by the City for engineering and legal review of Mobilitie's Project as set forth in Section 7 of this Use Agreement; and

WHEREAS, Mobilitie agrees to pay the City's reasonable additional administrative expenses incurred by the City if the Project requires additional engineering and legal review as set forth in Section 7 of this Use Agreement; and

WHEREAS, N.J.S.A. 48:17-10 and N.J.S.A. 40:67-1 authorize the City to grant municipal consent for the installation of public utility lines in its rights-of-way; and

WHEREAS, it is deemed to be in the best interest of the City and its citizenry, including the commercial and industrial citizens, for the City to grant municipal consent to Mobilitie to occupy said public rights-of-way within the City for this purpose; and

WHEREAS, the granting of such consent is and shall be conditioned upon Mobilitie's continued compliance with all existing and future ordinances of the City and its entering into this Use Agreement with the City; and

WHEREAS, Mobilitie agrees to indemnify, defend and hold the City harmless as to all claims and liability resulting from any injury or damage which may arise from the construction, installation, operation, repair, maintenance, disconnect, replacement and removal of its telecommunications facilities within certain public rights-of-way as set forth in Section 9 of this

Use Agreement, and provide liability insurance coverage for personal injury and property damage as set forth in Section 11 of this Use Agreement.

NOW, THEREFORE, in consideration of the mutual covenants and obligations hereinafter set forth, the City and Mobilitie hereby agree to and with each other as follows:

Section 1: Definitions

- a. "BPU" is the New Jersey Board of Public Utilities
- b. "Mobilitie" is the grantee of rights under this Use Agreement and is known as Mobilitie, LLC d/b/a NYFI, its successors and assigns.
- c. "City" is the grantor of rights under this Use Agreement and is known as the City of Jersey City, County of Hudson, State of New Jersey.
- d. "Public Utility" means any public utility defined in N.J.S.A. 48:2-13.
- e. "Rights-of-Way" means the areas devoted to passing under, over on or through lands with public utility facilities.
- f. "Underground Conduit" means, in addition to its commonly accepted meaning, any wires or cable placed therein and any replacement thereof which are similar in constructions and use.
- g. "Utility Poles" means poles with associated anchors and supports, if any, owned by Mobilitie and poles owned by others upon which Mobilitie has the right to attach telecommunications facilities.

Section 2: Grant of Consent.

The City hereby grants Mobilitie its municipal consent for the non-exclusive use of the public rights-of-way within the City for the purpose of owning, constructing, installing, operating and maintaining telecommunications facilities, subject to the mutual covenants and obligations as set forth in this Use Agreement.

Section 3: Public Purpose.

It is deemed to be in the best interests of the City and its citizenry, for the City to grant consent to Mobilitie to occupy said public rights-of-way within the City for this purpose.

Section 4: Project Description and Notice to and Approval of City

Mobilitie will be installing antennas and related telecommunications equipment on existing utility poles, as well as utility poles to accommodate such antennas and telecommunications equipment, if and where necessary. Any construction to be undertaken for the purposes described herein shall require prior notice by Mobilitie to the City. Mobilitie shall fully describe the construction to be undertaken in plans and specifications submitted to the City,

and shall obtain approval from, coordinate and work with the appropriate Municipal Department(s) before scheduling and commencing any construction.

Section 5: Scope of Use Agreement.

Any and all rights expressly granted to Mobilitie under this Use Agreement, which shall be exercised at Mobilitie's sole cost and expense, shall be subject to the prior and continuing right of the City under applicable laws to use any and all parts of the municipal rights-of-way exclusively or concurrently with any other person or persons on a non-discriminatory basis, and shall be further subject to all deeds, easements, dedications, conditions, covenants, restrictions, encumbrances, and claims of title of record which may affect such municipal rights-of-way. Nothing in this Use Agreement shall be deemed to grant, convey, create or vest in Mobilitie a real property interest in land, including any fee, leasehold interest, easement or any other form of interest or ownership.

Subject to obtaining the permission of the owner(s) of Utility Poles and Underground Conduit, which shall be the sole responsibility of Mobilitie to undertake and obtain, and subject to notice and approval of the City as described in section 4 herein, the City hereby authorizes and permits Mobilitie to enter upon the municipal rights-of-way and to attach, install, operate, maintain, remove, reattach, reinstall, relocate and replace its telecommunications facilities, in or on Utility Poles or Underground Conduit owned by public utility companies or to be constructed by Mobilitie located within the municipal rights-of-way, and as may be permitted by the public utility company or property owner, as the case may be.

Section 6: Compliance with Ordinances

Mobilitie shall comply with all existing ordinances of the City as may be amended from time to time and with all future ordinances as may be enacted.

Section 7: Municipal Costs

Mobilitie agrees to pay to the City \$750.00 to cover the reasonable costs incurred by the City for engineering and/or legal review, analysis and preparation of documents related to Mobilitie's request for municipal consent to its Project. If the Project requires additional engineering and/or legal review, Mobilitie agrees to pay the City's reasonable administrative expenses that the City incurs.

Section 8: Duration of Consent and Termination of Agreement

The non-exclusive municipal consent granted herein shall expire forty (40) years from the Effective Date of this Use Agreement. Upon expiration of such consent, or at such earlier date that Mobilitie ceases to maintain its facilities, it shall remove the facilities at its cost and expense.

The City may terminate this Use Agreement, or require modification hereof, upon notice and opportunity of Mobilitie to be heard, where it is shown that the scope of use hereunder is compromising the health, safety and welfare of the citizenry.

Section 9: Indemnification

Mobilitie, its successors, assigns, sub-contractors, agents, servants, officers, employees, designees, guests and invitees, hereby indemnify, defend and hold harmless the City, its successors and assigns, elected officials, officers, employees, servants, contractors, designees and invitees from and against any and all claims, demands, suits, actions at law or equity or otherwise, judgments, arbitration determinations, damages, liabilities, decrees of any person(s) or entities claiming to be or being harmed as a result of Mobilitie's actions under this Use Agreement and costs in connection therewith. This indemnification shall specifically include, but not be limited to, any and all costs, reasonable attorneys' fees, court costs and any other expenses that may be incurred by the City in connection with any and all claims, demands, suits, actions at law or equity or otherwise and/or arbitration proceedings which may arise in connection with Mobilitie's activities pursuant to the rights granted in this Use Agreement.

Other than in connection with the foregoing third-party claims indemnification, neither the City nor Mobilitie shall be liable to the other for consequential, incidental, exemplary or punitive damages on account of any activity pursuant to the consents granted hereby.

Section 10: Notices

All notices or other correspondence required or permitted to be given in connection with this Use Agreement shall be in writing and delivered personally, by telecopy, by overnight carrier service or by registered or certified mail to the parties at the following addresses:

To Mobilitie at: Mobilitie, LLC
 ATTN: Legal Department
 2220 University Drive
 Newport Beach, CA 92660

To the: Municipal Engineer
 City of Jersey City
 13-15 East Linden Ave
 Jersey City, New Jersey 07305

With a copy to: Corporation Counsel
 Jersey City Law Department
 City Hall
 280 Grove Street
 Jersey City, New Jersey 07302

Section 11: Liability Insurance

Mobilitie shall at all times maintain a comprehensive liability insurance policy with a single amount of at least One Million dollars (\$1,000,000.00) covering liability for any death, personal injury, property damage or other liability arising out of the construction and operation contemplated herein, and an excess liability policy (or "umbrella") policy in the amount of Five Million Dollars (\$5,000,000.00).

Prior to the commencement of any work pursuant to this Use Agreement, Mobilitie shall file Certificates of Insurance with the City with endorsements evidencing the coverage provided by said liability and excess liability policies.

The City shall notify Mobilitie within fifteen days (15) days after the presentation of any claim or demand to the City, either by suit or otherwise, made against the City on account of any of Mobilitie's or its sub-contractors, agents, employees, officers, servants, designees, guests and invitees, activities pursuant to the rights granted in this Use Agreement.

Section 12: Successors and Assigns.

The terms and conditions herein contained shall be binding upon and inure to the benefit of the successors and assigns of the parties hereto.

Section 13: Governing Law.

This Agreement shall be governed by, construed and enforced in accordance with the laws of the State of New Jersey.

Section 14: Incorporation of Prior Agreements.

This Agreement contains the entire understanding of the parties hereto with respect to the subject matter hereof, and no prior other written or oral agreement or undertaking pertaining to any such matter shall be effective for any purpose.

Section 15: Modification of Agreement.

This Agreement may not be amended or modified, nor may any obligation hereunder be waived orally, and no such amendment, modification or waiver shall be effective for any purpose unless it is in writing and signed by the party against whom enforcement thereof is sought.

Section 16: Invalidity.

If any provision hereof shall be declared invalid by any court or in any administrative proceedings, then the provisions of this Agreement shall be construed in such manner so as to preserve the validity hereof and the substance of the transaction herein contemplated to the extent possible. The headings are provided for purposes of convenience of reference only and are not intended to limit, define the scope of or aid in interpretation of any of the provisions hereof.

Section 17: Counterparts.

This Agreement may be executed and delivered in several counterparts, each of which, when so executed and delivered, shall constitute an original, fully enforceable counterpart for all purposes.

IN WITNESS WHEREOF, this Use Agreement has been executed as of the date set forth below.

Mobilitie, LLC d/b/a NYFI

Witness

City of Jersey City

Witness

Robert Kakoleski
Acting Business Administrator

Robert Byrne
Municipal Clerk

Ordinance of the City of Jersey City, N.J.



ORDINANCE NO. Ord. 15.124
TITLE: 3.C SEP 9 2015 4.C SEP 2 4 2015

Ordinance authorizing the execution of a rights-of-way use agreement between the City of Jersey City and Mobilite, LLC d/b/a NYFI to permit the installation of antennas and related communications equipment on existing utility poles and if necessary to install utility poles within certain public rights-of-way for purposes of providing telecommunication services.

RECORD OF COUNCIL VOTE ON INTRODUCTION SEP 09 2015 8-0											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
GAJEWSKI	ABSENT			YUN	✓			RIVERA	✓		
RAMCHAL	✓			OSBORNE	✓			WATTERMAN	✓		
BOGGIANO	✓			COLEMAN	✓			LAVARRO, PRES.	✓		

RECORD OF COUNCIL VOTE TO CLOSE PUBLIC HEARING SEP 2 4 2015 7-0											
Councilperson <u>WATTERMAN</u> moved, seconded by Councilperson <u>OSBORNE</u> to close P.H.											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
GAJEWSKI	✓			YUN	✓			RIVERA	✓		
RAMCHAL	ABSENT			OSBORNE	✓			WATTERMAN	✓		
BOGGIANO	✓			COLEMAN	✓			LAVARRO, PRES.	ABSENT		

✓ Indicates Vote

N.V.--Not Voting (Abstain)

SPEAKERS:

YVONNE BAL CER

RECORD OF COUNCIL VOTE ON AMENDMENTS, IF ANY											
Councilperson _____ moved to amend* Ordinance, seconded by Councilperson _____ & adopted											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
GAJEWSKI				YUN				RIVERA			
RAMCHAL				OSBORNE				WATTERMAN			
BOGGIANO				COLEMAN				LAVARRO, PRES.			

RECORD OF FINAL COUNCIL VOTE SEP 2 4 2015 6-1											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
GAJEWSKI	✓			YUN	✓			RIVERA	✓		
RAMCHAL	ABSENT			OSBORNE	✓			WATTERMAN	✓		
BOGGIANO		✓		COLEMAN	✓			LAVARRO, PRES.	ABSENT		

✓ Indicates Vote

N.V.--Not Voting (Abstain)

Adopted on first reading of the Council of Jersey City, N.J. on SEP 09 2015
Adopted on second and final reading after hearing on SEP 2 4 2015

This is to certify that the foregoing Ordinance was adopted by the Municipal Council at its meeting on SEP 2 4 2015

Robert Byrne, City Clerk

*Amendment(s):

APPROVED:

Rolando R. Lavarro, Jr., Council President
Date SEP 2 4 2015

APPROVED:

Steven M. Fulop, Mayor
Date SEP 2 5 2015
Date to Mayor SEP 2 5 2015

City Clerk File No. Ord. 15.126

Agenda No. 3.E 1st Reading

Agenda No. 4.E. 2nd Reading & Final Passage



ORDINANCE OF JERSEY CITY, N.J.

COUNCIL AS A WHOLE
offered and moved adoption of the following ordinance:

CITY ORDINANCE 15.126

TITLE:

ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 3 (ADMINISTRATION OF GOVERNMENT) ARTICLE III (MAYOR) OF THE JERSEY CITY MUNICIPAL CODE

COUNCIL offered and moved adoption of the following Ordinance:

- A. The following amendments to Chapter 3 (Administration of Government) Article III (Mayor) are hereby adopted:

ADMINISTRATION OF GOVERNMENT ARTICLE III Mayor

§3-10. Through §3-19. No Change.

§3-19.1. Resident Response Center Created; Head.

Within the office of the Mayor ~~There~~ is hereby created a Resident Response Center, the head of which shall be the Director of the Resident Response Center.

§3-19.2. Powers and Duties of the Resident Response Center.

~~[The Resident Response Center shall]~~ There is hereby created within the Resident Response Center the following offices:

- A. ~~[Accept and respond to constituents']~~ Office of Constituent Services to resolve complaints and inquires on all aspects of City services and operations to enhance constituent confidence in government by expediting the handling of citizens' complaints and inquires in coordination with the various departments of City government and autonomous agencies.
- ~~[B. Maintain an Office of Cultural Affairs, which, notwithstanding any ordinance to the contrary, shall be responsible for:~~
- ~~(i) serving as the primary point of intake for all applications for special public events, including but not limited to block parties, carnivals, circuses, festival/fairs, flea markets, and parades;~~
~~and~~
 - ~~(ii) for organizing cultural events on behalf of the City, including but not limited to, the City Spirit Program, the City Spirit Festival, cultural and heritage events, art shows, street fairs, outdoor concerts, holiday festivals and all other public cultural programs.]~~

**ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 3 (ADMINISTRATION OF
GOVERNMENT) ARTICLE III (MAYOR) OF THE JERSEY CITY MUNICIPAL CODE**

~~{C. Be responsible for all fine, creative and performing arts programs from concept, planning, development and implementation to the development and provision of related and appropriated facilities.}~~

~~{D}C. {Be responsible for the}~~ Office of Diversity and Inclusion {Office} to oversee inter-departmental issues impacting diversity, heritage and inclusion.

~~{There is hereby created within the Resident Response Center a Diversity and Inclusion Office, which shall be the central coordination and oversight entity for the inter-department collaboration on issues impacting diversity, heritage and inclusion.}~~

(1) Diversity Functions.

- (a) Facilitate ethnic diversity and heritage events, art shows, street fairs, outdoor concert series, holiday festivals and all other ethnic heritage programs;
- (b) Act as liaison for the City with other local, county, state and federal governmental agencies; community organizations and groups; nonprofit and faith-based organizations on issues involving diversity and heritage;
- (c) Promote the recognition of the contributions of diverse cultures, ethnic groups, and heritage traditions to and within the City.

(2) Inclusion Functions.

- (a) Oversee the implementation of a Citywide policy for immigrant integration;
- (b) Collaborate existing City services and marshal existing resources to better serve the immigrant population in Jersey City;
- (c) Work collaboratively with community organizations to facilitate the implementation of the delivery of services and programs to the public, foster successful integration of the immigrant population in the City, and ensure that public input into the process is consistently maintained;
- (d) Provide guidance to and act as a resource for the immigrant constituents in the City to assist them through the maze of state, county and local resources that provide targeted services to immigrants, including referrals to nonprofit and faith-based organizations, English language acquisition, citizenship acquisition, accreditation and qualification services, and employment support;
- (e) Strengthen the connections between immigrants and their communities through civic engagement, cultural activities and other opportunities;
- (f) Reduce exploitation of immigrants by fraudulent enterprises, scams and confidence schemes.
- (g) Act as a liaison to and serve as an exofficio member of the Immigrant Affairs Commission, and provide support services thereto.

~~{E}D. {Maintain an}~~ Office of Veteran's Affairs {for the purpose of assisting} to:

- (1) Assist veterans in applying for disability, educational, and other benefits that may exist under federal and state laws;
- (2) Act as liaison on behalf of veterans with City, County, State and Federal Governmental Agencies;

ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 3 (ADMINISTRATION OF GOVERNMENT) ARTICLE III (MAYOR) OF THE JERSEY CITY MUNICIPAL CODE

- (3) Assist veterans in understanding their veterans' preference rights in public employment and under various tax exemption statutes and other laws.

~~[F]E.~~ Supervise the central telephone switchboard operation.

§3-19.3. Office of Cultural Affairs Created; Head.

There is hereby created an Office of Cultural Affairs, the head of which shall be the director of the Office of Cultural Affairs.

§3-19.4. Powers and Duties of the Office of Cultural Affairs.

The Office of Cultural Affairs which, notwithstanding any ordinance to the contrary, shall, including but not limited to, be responsible for:

- (1) serving as the primary point of intake for all applications for special public events, including but not limited to block parties, carnivals, circuses, festival/fairs, flea markets, and parades; and
- (2) for organizing cultural events on behalf of the City, including but not limited to, cultural and heritage events, art shows, street fairs, outdoor concerts, holiday festivals and all other public cultural programs.

- B. All ordinances and parts of ordinances inconsistent herewith are hereby repealed.
- C. The City Clerk shall have this ordinance codified and incorporated in the official copies of the Jersey City Code.
- D. This ordinance shall take effect at the time and in the manner as provided by law.
- E. The City Clerk and the Corporation Counsel may change any chapter numbers, article numbers and section numbers if codification of this ordinance reveals a conflict between those numbers and the existing code, in order to avoid confusion and possible accidental repealers of existing provisions.

Note: All new material is underlined; words in ~~[brackets]~~ are omitted.
For purposes of advertising only, new matter is **boldface** and repealed matter by *italics*.

JM/he
9/3/15

APPROVED AS TO LEGAL FORM

RL Rella
Corporation Counsel 3

APPROVED: _____
APPROVED: _____
Business Administrator

Certification Required ☒
Not Required ☐

RESOLUTION FACT SHEET – NON-CONTRACTUAL

This summary sheet is to be attached to the front of any resolution that is submitted for Council consideration. Incomplete or vague fact sheets will be returned with the resolution.

Full Title of Ordinance/Resolution

**ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 3
(ADMINISTRATION OF GOVERNMENT) ARTICLE III (MAYOR) OF THE JERSEY
CITY MUNICIPAL CODE**

Initiator

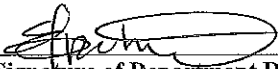
Department/Division	Office of the Mayor	Cultural Affairs
Name/Title	Elizabeth Cain	Director
Phone/email	201-547-4303	ecain@icnj.org

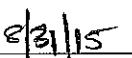
Note: Initiator must be available by phone during agenda meeting (Wednesday prior to council meeting @ 4:00 p.m.)

Resolution Purpose

To Create an Office of Cultural Affairs within the Mayors Office, to include the Event Permitting Office, a centralized permitting service, and Office of Special Events.

I certify that all the facts presented herein are accurate.


Signature of Department Director


Date

Ordinance of the City of Jersey City, N.J.



ORDINANCE NO. Ord. 15.126
TITLE: 3.E SEP 9 2015 4.E

SEP 24 2015

Ordinance amending and supplementing Chapter 3
(Administration of Government) Article III (Mayor) of the
Jersey City Municipal Code.

RECORD OF COUNCIL VOTE ON INTRODUCTION SEP 09 2015 8-0											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
GAJEWSKI	<u>ABSENT</u>			YUN	✓			RIVERA	✓		
RAMCHAL	✓			OSBORNE	✓			WATTERMAN	✓		
BOGGIANO	✓			COLEMAN	✓			LAVARRO, PRES.	✓		

RECORD OF COUNCIL VOTE TO CLOSE PUBLIC HEARING SEP 24 2015 7-0											
Councilperson <u>WATTERMAN</u> moved, seconded by Councilperson <u>OSBORNE</u> to close P.H.											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
GAJEWSKI	✓			YUN	✓			RIVERA	✓		
RAMCHAL	<u>ABSENT</u>			OSBORNE	✓			WATTERMAN	✓		
BOGGIANO	✓			COLEMAN	✓			LAVARRO, PRES.	<u>ABSENT</u>		

✓ Indicates Vote

N.V.--Not Voting (Abstain)

SPEAKERS:

RECORD OF COUNCIL VOTE ON AMENDMENTS, IF ANY											
Councilperson _____ moved to amend* Ordinance, seconded by Councilperson _____ & adopted _____											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
GAJEWSKI				YUN				RIVERA			
RAMCHAL				OSBORNE				WATTERMAN			
BOGGIANO				COLEMAN				LAVARRO, PRES.			

RECORD OF FINAL COUNCIL VOTE SEP 24 2015 7-0											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
GAJEWSKI	✓			YUN	✓			RIVERA	✓		
RAMCHAL	<u>ABSENT</u>			OSBORNE	✓			WATTERMAN	✓		
BOGGIANO	✓			COLEMAN	✓			LAVARRO, PRES.	<u>ABSENT</u>		

✓ Indicates Vote

N.V.--Not Voting (Abstain)

Adopted on first reading of the Council of Jersey City, N.J. on **SEP 09 2015**

Adopted on second and final reading after hearing on **SEP 24 2015**

This is to certify that the foregoing Ordinance was adopted by
the Municipal Council at its meeting on **SEP 24 2015**

Robert Byrne
Robert Byrne, City Clerk

*Amendment(s):

APPROVED:

Rolando R. Lavarro, Jr.
Rolando R. Lavarro, Jr., Council President
Date **SEP 24 2015**

APPROVED:

Steven M. Fulop
Steven M. Fulop, Mayor
Date **SEP 25 2015**

Date to Mayor **SEP 25 2015**

City Clerk File No. Ord. 15.127

Agenda No. 3.F 1st Reading

Agenda No. 4.F 2nd Reading & Final Passage



ORDINANCE OF JERSEY CITY, N.J.

COUNCIL AS A WHOLE
offered and moved adoption of the following ordinance:

CITY ORDINANCE 15.127

TITLE:
**AN ORDINANCE AMENDING CHAPTER 81, (ADVERTISING MATERIALS)
ARTICLE I (HANDBILLS AND SIGNS) OF THE JERSEY CITY MUNICIPAL
CODE TO IMPOSE A MINIMUM FINE FOR THE ILLEGAL DISTRIBUTION
OF HANDBILLS**

THE MUNICIPAL COUNCIL OF THE CITY OF JERSEY DOES ORDAIN:

WHEREAS, the frequent and careless distribution of handbills, flyers, circulars, business cards and leaflets contributes to the litter covering streets and sidewalks and to the degradation of the quality of life within the City; and

WHEREAS, a large number of advertising handbills, flyers, business cards and leaflets are left on car windshields and they ultimately find their way onto the streets and into the gutters of the City; and

WHEREAS, Chapter 81-10 of the Municipal Code makes it unlawful for any person to distribute, deposit, place, throw, scatter or cast any handbill in or upon any automobile or other vehicle parked in the City; and

WHEREAS, this provision is frequently ignored and even when actually fined, the distributors of these handbills treat such fines as the just another expense and part of the cost of doing businesses; and

WHEREAS, in order to limit the distribution of these handbills and in order to reduce litter throughout the City, stronger penalties must be imposed upon those who repeatedly violate the City's prohibition on depositing handbills upon automobile windshields.

NOW, THEREFORE, BE IT ORDAINED by the Municipal Council of the City of Jersey City that Chapter 81, (Advertising Materials) Article I (Handbills and Signs) of the Jersey City Municipal Code be amended to read:

ARTICLE I - Handbills and Signs

§ 81-1. - Title.

This article shall be known and may be cited as the "Jersey City Anti-Litter Ordinance."

§ 81-2. - Intent and purpose.

The Council finds that the promiscuous distribution of handbills and circulars contributes to the litter covering streets and sidewalks and to the degradation of the quality of life within the city.

In order to control the proliferation of handbills, the purposes of this article are specifically declared to be as follows:

- A. To protect local residents against trespassing by canvassers or handbill distributors upon the private property of residents if they have given reasonable notice that they do not

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wish to be solicited by such persons or do not desire to receive handbills or advertising matter.

- B. To protect the people against the health and safety menace and the expense incident to the littering of the streets and public places by the promiscuous and uncontrolled distribution of advertising matter and commercial and noncommercial information.
- C. To improve traffic safety by reducing visual distractions from public facilities.

§ 81-3. - Definitions.

The following terms, when used in this article, have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

HANDBILL - Any printed or written matter, any sample or device, circular, business card, calling card, leaflet, pamphlet, paper, booklet or any other printed or otherwise reproduced original or copies of any matter or literature.

NEWSPAPER - Any newspaper of general circulation as defined by general law, any newspaper duly entered with the United States Postal Service, in accordance with federal statute or regulation, and any newspaper filed and recorded with any recording officer as provided by general law; and, in addition, any periodical or current magazine regularly published and sold to the public.

PERSON - Any person, firm, partnership, association, corporation, company or organization of any kind.

PRIVATE PREMISES - Any dwelling, house, building, including any condominium or cooperative, or other structure, designed or used either wholly or in part for private residential purposes, whether inhabited, uninhabited or vacant, and shall include any yard, grounds, walk, driveway, porch, steps, vestibule or mailbox belonging or appurtenant to such dwelling, house, building or other structure.

PUBLIC PLACE - Any and all streets, boulevards, avenues, lanes, alleys or other public ways and any and all public parks, squares, spaces, plazas, grounds and buildings.

§ 81-4. - Throwing down handbills in public place prohibited.

It shall be unlawful for any person to deposit, place or throw any handbill in or upon any public place within the city; provided, however, that it shall not be unlawful for any person to hand out or distribute without charge to the receiver any handbill in any public place to any person willing to accept the handbill.

§ 81-5. - Posting handbills or signs on public property.

- A. No person may paint, mark, write on, post or otherwise affix any handbill or sign to or upon any public property or structure without the authorization of the Traffic Engineer. Authorization shall be given only for the purpose of regulating, warning, identifying and guiding traffic.
- B. Property protected by this article includes but is not limited to traffic signal poles, traffic signal facilities, traffic signs, parking meters, utility poles, telephone pole trees, United States mail receptacles, letter receptacles, benches, bus shelters, vacant buildings, fences, bordering vacant lots, public buildings or any object affixed to or places thereon for public purposes or for the use of the public.
- C. Upon approval from the Traffic Engineer, construction contractors and utility companies may erect temporary signs at work sites to protect the public, equipment and workers.

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OF HANDBILLS**

- D. The City of Jersey City may post signs without notice to protect the public and/or employees from harm.

§ 81-6. - Distribution of handbills on private property where prohibition properly posted.

It shall be unlawful for any person to deposit, place or throw any handbill upon any premises, if requested by any resident thereof not to do so or if there is placed on the premises in a conspicuous position near the entrance a sign which can be seen from the street bearing the words: "No Trespassing," "No Advertisements" or any similar notice, indicating in any manner that the occupants of the premises do not wish to have their right of privacy disturbed or to have any handbills left upon their premises. With regard to premises which are multifamily dwellings, the posting of such a sign shall also conspicuously identify the unit in which the resident who has posted the sign resides.

§ 81-7. - Liability for conduct of another; complicity.

- A. A person shall be liable for a violation under this article if:
- (1) Such person's own conduct or the conduct of another person for whom he or she is legally accountable causes the violation.
 - (2) He or she is an accomplice of another person whose acts cause a violation of this article.
 - (3) He or she engages in a conspiracy to commit a violation of this article.
- B. For the purpose of this section, the terms "legally accountable," "accomplice" and "conspiracy" shall be defined in accordance with N.J.S.A. 2C:2-6. To the extent relevant, all of the conditions of liability for the conduct of another in N.J.S.A. 2C:2-6 shall apply to any prosecution under this article.

§ 81-8. - Affixing handbills or signs to vacant private property.

Without the written consent of the owner or authorized agent for such property, no person may paint, write on, post or otherwise affix any handbill or sign to or upon any vacant private property. This shall include but is not limited to utility poles, telephone poles, private fences and private trees.

§ 81-9. - Distributing handbills at private premises; exceptions.

- A. No person shall deposit, place or throw any handbill in or upon any inhabited private premises except by handing or transmitting any such handbill directly to the owner, occupant or other person then present on the premises; provided that, except where the premises are posted as provided in this article or where any resident of the premises requests otherwise, a person may place or deposit a handbill in or upon private premises if:
- (1) The handbill is contained in a plastic bag ventilated with airholes throughout the surface of the bag or unventilated plastic bag no greater than six inches in width; or

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OF HANDBILLS**

- (2) The handbill is so placed or deposited as to secure or prevent it from being blown or scattered about the premises or sidewalks, streets or other public places. Mailboxes may not be so used when so prohibited by federal postal law or regulations.

B.

The provisions of this section shall not apply to the distribution of mail by the United States or to newspapers; except that newspapers shall be placed on private or public property in such a manner as to prevent their being carried or deposited by the elements upon any street, sidewalk or other public place or upon private property.

§ 81-10. - Placing handbills in or upon vehicles prohibited.

It shall be unlawful for any person to distribute, deposit, place, throw, scatter or cast any handbill in or upon any automobile or other vehicle. The provisions of this section shall not be deemed to prohibit the handing, transmitting or distributing of any handbill to the owner or other occupant of any automobile or other vehicle who is willing to accept the same.

§ 81-11. - Removal of signs and handbills, responsibility.

Any handbill or sign found posted or otherwise affixed upon any public, or utility property contrary to the provisions of this section may be removed by any company, utility, organization or individual owning or responsible for maintaining that property or the Department of Public Works. When the property is not owned by the City of Jersey City, the City shall obtain written permission before removal of any sign or handbill.

§ 81-12. - Removal of signs and handbills; costs of removal.

- A. The Director of Public Works or an authorized agent may notify the individual or organization of the location of all unauthorized sign(s) and handbill(s) and require their removal. If the individual or organization, after notification, fails to remove the unauthorized signs and handbill within 10 days after receipt of such notice, the Director may authorize the removal and charge the cost of removal to the individual or organization.
- B. The individual or organization responsible for the unauthorized sign(s) and handbill(s) shall not be responsible for the cost of removal if notice is not given within the specified time.
- C. The Director of Public Works shall determine the reasonable costs to the City of Jersey City incurred in removing handbills and signs pursuant to this section. Such costs shall include but are not limited to direct labor, material and equipment costs, as well as departmental and general city overhead costs attributable to removal of signs.
- D. Notice under this section may be by registered or ordinary mail if an address is indicated on the sign or by phone if a telephone number is indicated or by any means reasonably intended to give notice to the unauthorized sign.

§ 81-13. - Presumptions applicable in action seeking costs of removal.

- A. For purposes of any civil action by the Director of Public Works under §§ 81-11 and 81-12 seeking to recover the costs of removal, there shall be a presumption that:

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OF HANDBILLS**

- (1) The real estate agent, broker, brokerage firm or other person whose name or telephone number appears on the handbill or sign is the person responsible for posting a handbill or sign advertising property for sale, lease or rent;
 - (2) The organization whose name appears on a sign as the sponsor of a candidate seeking office is the organization responsible for posting a handbill or sign promoting the candidate for public office;
 - (3) The owner, or lessee if the property is leased, of property used for a yard or garage sale is the person responsible for posting a handbill or sign advertising a yard or garage sale;
 - (4) The owner, or lessee if the property is leased, of property used for a commercial activity or event is the person responsible for posting a handbill or sign advertising the subject commercial activity or event;
 - (5) The person whose name, telephone number or address appears as the sponsor for a sporting event, concert, theatrical performance or similar activity or event is the person responsible for posting a handbill or sign advertising the subject activity or event;
 - (6) The person whose name, telephone number or address appears as the person to contact on any handbill or sign posted is the person responsible for having posted the same; and
 - (7) The company's name appearing on a circular, flyer or advertisement promoting products or services is the responsible party for distribution of such material.
- B. For purposes of this section, the person presumed to be responsible for posting a handbill or sign on public or utility property may rebut such presumption by declaring under penalty of perjury or swearing under oath that the person did not cause, authorize, allow or permit the posting of the handbill or sign on public or utility property.

§ 81-14. - Existing ordinances not affected.

This article shall not be deemed to repeal, amend or modify any ordinance ever ordained, either prohibiting, regulating or licensing canvassers, hawkers, peddlers, transient merchants or any person using the public streets or places for any private business or enterprise, or for commercial sales, not covered herein.

§ 81-15. - Severability.

If any provision, or portion of a provision, of this article or its application to any person or circumstances shall be held invalid by a court of competent jurisdiction, the remainder of the article or the application of the provision to other persons or circumstances shall not be affected. Specifically, if a court finds that any or all of the presumptions in § 81-11 are invalid, it is the intent of this article that the presumptions be severed from the article.

**AN ORDINANCE AMENDING CHAPTER 81, (ADVERTISING MATERIALS)
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OF HANDBILLS**

§ 81-16. - Violations and penalties.

The person responsible for the unauthorized sign(s) or handbill(s) may be punished as provided in Chapter 1, General Provisions, § 1-25, and the minimum fine for violating this Chapter shall be not less than \$100 except that in a civil claim by Public Works for restitution, no penal sanctions may be applied.

Any person who is convicted of violating this ordinance within one year of the date of a previous violation and who was fined for the previous violation, shall be sentenced by a court to an additional fine as a repeat offender. The additional fine imposed by the court upon a person for a repeated offense shall not be less than the minimum or exceed the maximum fine fixed for a violation of the ordinance, but shall be calculated separately from the fine imposed for the violation of the ordinance.

- I. All Ordinances and parts of Ordinances inconsistent herewith are hereby repealed.
- II. This Ordinance shall be part of the Jersey City Code as though codified and fully set forth therein. The City shall have this Ordinance codified and incorporated in the official copies of the Jersey City Code.
- III. This Ordinance shall take effect at the time and in the manner as provided by law.
- IV. The City Clerk and the Corporation Counsel be and hereby are authorized and directed to change any chapter numbers, article numbers and section numbers in the event the codification of this Ordinance reveals that there is conflict between those numbers and the existing code.

Note: All new material is underlined; words ~~struck through~~ are omitted.

For purposes of advertising only, new matter is **boldface** and repealed by *italics*.

JJH 9/3/15

APPROVED AS TO LEGAL FORM

R. J. Reddy
Asst. Corporation Counsel

APPROVED: _____

APPROVED: _____

Business Administrator

Certification Required ☒
Not Required ☐

Ordinance of the City of Jersey City, N.J.



ORDINANCE NO. Ord. 15.127
TITLE: 3.F SEP 9 2015 4.F

SEP 24 2015

An ordinance amending Chapter 81, (Advertising Materials)
Article I (Handbills and Signs) of the Jersey City Municipal Code
to impose a minimum fine for the illegal distribution of handbills.

RECORD OF COUNCIL VOTE ON INTRODUCTION SEP 09 2015 7-1											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
GAJEWSKI		ABSENT		YUN	✓			RIVERA	✓		
RAMCHAL	✓			OSBORNE	✓			WATTERMANN	✓		
BOGGIANO		✓		COLEMAN	✓			LAVARRO, PRES.	✓		

RECORD OF COUNCIL VOTE TO CLOSE PUBLIC HEARING SEP 24 2015 7-6											
Councilperson COLEMAN moved, seconded by Councilperson OSBORNE to close P.H.											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
GAJEWSKI	✓			YUN	✓			RIVERA	✓		
RAMCHAL		ABSENT		OSBORNE	✓			WATTERMANN	✓		
BOGGIANO	✓			COLEMAN	✓			LAVARRO, PRES.	ABSENT		

✓ Indicates Vote

N.V.--Not Voting (Abstain)

SPEAKERS:

YVONNE BALZER

RECORD OF COUNCIL VOTE ON AMENDMENTS, IF ANY											
Councilperson moved to amend* Ordinance, seconded by Councilperson & adopted											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
GAJEWSKI				YUN				RIVERA			
RAMCHAL				OSBORNE				WATTERMANN			
BOGGIANO				COLEMAN				LAVARRO, PRES.			

RECORD OF FINAL COUNCIL VOTE SEP 24 2015 6-1											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
GAJEWSKI	✓			YUN	✓			RIVERA	✓		
RAMCHAL		ABSENT		OSBORNE	✓			WATTERMANN	✓		
BOGGIANO		✓		COLEMAN	✓			LAVARRO, PRES.	ABSENT		

✓ Indicates Vote

N.V.--Not Voting (Abstain)

Adopted on first reading of the Council of Jersey City, N.J. on **SEP 09 2015**
Adopted on second and final reading after hearing on **SEP 24 2015**

This is to certify that the foregoing Ordinance was adopted by
the Municipal Council at its meeting on **SEP 24 2015**

Robert Byrne, City Clerk

APPROVED:

Rolando R. Lavarro, Jr., Council President
Date **SEP 24 2015**

*Amendment(s):

APPROVED:

Steven M. Fulop, Mayor
Date **SEP 25 2015**
Date to Mayor **SEP 25 2015**

City Clerk File No. Ord. 15.129

Agenda No. 3.H 1st Reading

Agenda No. 4.H 2nd Reading & Final Passage



ORDINANCE OF JERSEY CITY, N.J.

COUNCIL AS A WHOLE
offered and moved adoption of the following ordinance:

CITY ORDINANCE 15.129

TITLE: ***AN ORDINANCE DEDICATING THAT
SPRUCE STREET TO THE DEAD END ALONG
LIBERTY AVENUE ALSO BE KNOWN AS
FRANK BRAZICKI WAY***

COUNCIL AS A WHOLE, offered and moved adoption of the following ordinance.

WHEREAS, Frank Brazicki was born on March 9, 1925 to Anthony and Agatha Brazicki. In 1943, the Brazicki family relocated to Jersey City; and

WHEREAS, Frank Brazicki enlisted in the U.S. Army and was deployed to France and Germany during the height of World War II. Wounded in the right leg, Frank spent two years in a German Hospital recovering from his wounds; and

WHEREAS, Frank's injury left him disabled. He was awarded the Infantryman Combat Badge, Bronze Star and Purple Heart Medal of which he was very proud; and

WHEREAS, upon his return home in 1948 Frank brought Brazicki's Tavern owned then by his father. A small, well known establishment located on the corner of Spruce Street and Liberty Avenue, Brazicki's was not only a tavern but a place where people could get a helping hand, which Frank was always willing to extend; and

WHEREAS, at age 43 Frank Brazicki joined the Hudson County Sheriff's Department. Despite his disability, Frank was able to devote 25 years of dedicated service to the Department, retiring in 1993; and

WHEREAS, Frank moved to Newton, N.J. after his retirement, but his ties to Jersey City remained strong. He often visited the tavern and the neighborhood, keeping up on the current events in the city; and

WHEREAS, Frank Brazicki was a War Hero, an entrepreneur and good family man and neighbor.

NOW, THEREFORE BE IT ORDAINED, that the Municipal Council of the City of Jersey City deems it fitting and proper to dedicate that Spruce Street to the Dead End along Liberty Avenue be also known as "Frank Brazicki Way"

APPROVED AS TO LEGAL FORM

Raul Reddy
Asst. Corporation Counsel

APPROVED: *[Signature]*

APPROVED: *[Signature]*
Business Administrator

Certification Required ☐

Not Required ☒

RESOLUTION FACT SHEET – NON-CONTRACTUAL

This summary sheet is to be attached to the front of any resolution that is submitted for Council consideration. Incomplete or vague fact sheets will be returned with the resolution.

Full Title of Ordinance/Resolution

AN ORDINANCE DEDICATING THAT SPRUCE STREET TO THE DEAD END ALONG LIBERTY AVENUE ALSO BE KNOWN AS FRANK BRAZICKI WAY

Initiator

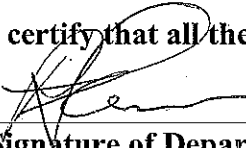
Department/Division	Municipal Council	
Name/Title	Rolando R. Lavarro, Jr., Council President	
Phone/email	X5268, rlavarro@jcnj.org	

Note: Initiator must be available by phone during agenda meeting (Wednesday prior to council meeting @ 4:00 p.m.)

Resolution Purpose

Pursuant to the street-naming protocol enacted by the Municipal Council in § 269-19 of the Jersey City Municipal Code, this ordinance dedicates Spruce Street to the Dead End along Liberty Avenue as “Frank Brazicki Way” in honor of Frank Brazicki, life-long Jersey City resident, World War II veteran, Hudson County Sheriff’s officer, and owner of Brazicki’s Tavern on the corner of Spruce Street and Liberty Avenue.

I certify that all the facts presented herein are accurate.



Signature of Department Director

9/9/2005
Date

Ord.
3.4

COMMEMORATIVE STREET DESIGNATION PETITION

To: City Clerk's Office
City Hall
280 Grove Street
Jersey City, NJ 07302

Attn: Sean Gallagher

We, the undersigned property owners, do hereby submit this petition to designate in commemoration the following street corner:

Existing Street Name: Liberty Ave. (South of Spruce St.)

Proposed Commemorative Street Designation: FRANK B. BRAZICKI WAY

Reason: _____

Name, address and telephone number of agent for petitioners (may be one of the petitioners)

1	Karen Brazicki	153 Liberty Ave. JC	201-892-8650
2			
3			

Property Owner Signature	Print Name	Property Address
1 <i>[Signature]</i>	Thomas Brazicki	153 Liberty Ave JC NJ 07302
2 <i>[Signature]</i>	Adam Almontaser	147 Liberty Ave JC NJ 07307
3 <i>[Signature]</i>	Raul Munoz	142 Liberty Ave JC NJ 07306
4		
5		
6		
7		
8		
9		
10		

(Additional spaces on reverse side)

Office of the City Clerk
280 Grove Street
Jersey City, New Jersey 07302

Robert Byrne, R.M.C., City Clerk
Sean J. Gallagher, R.M.C., Deputy City Clerk



Telephone: (201) 547-5150
Fax: (201) 547-5461

Street Dedication Request Form

Please print or type

Name of requestor: Maren Brazicki
Address: 153 Liberty Ave. Jersey City NJ 07306
Telephone: 201-892-8656 Fax: _____ Email: KmB200211@aol.com
Person or Organization to be commemorated: Frank B Brazicki Way.
(Please write the name as you wish it to appear on a street sign, i.e. "Glenn D. Cunningham Way")

What is the existing name or number of the street to which you wish to have a commemorative name added: to

Liberty Avenue.
What is the requested length of the commemorative street designation:
Liberty Avenue, South of Spruce St to Dead End.
(i.e., Montgomery Street from Westside Avenue to Bergen Avenue)

How many commemorative street signs would need to be added: 1 sign.
(If approved, the applicant must pay for the signs and installation)

If an individual is to be commemorated, has a background check been performed? ☐ YES ☒ NO
If yes, please attach the results of the background check.

Has the individual been deceased for at least three years? ☐ YES ☒ NO
If yes, please attach proof.

Was the individual active in the Jersey City community for at least 15 years? ☒ YES ☐ NO

If an organization is to be commemorated, is it a not-for-profit organization? ☐ YES ☐ NO
NO If yes, please attach proof of not-for-profit status.

Has the organization been active in the in the Jersey City community for at least 30 years? ☐ YES ☐ NO

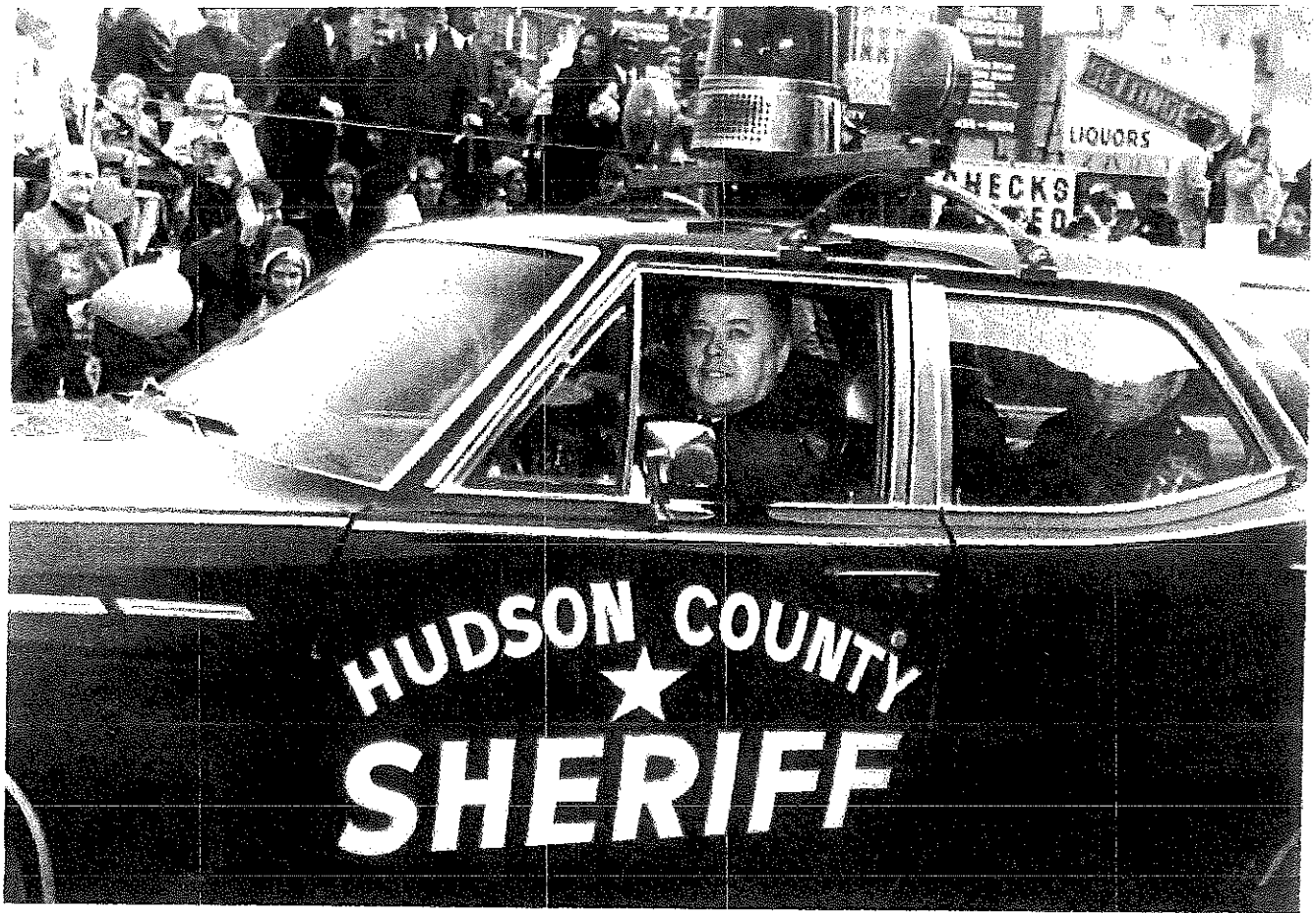
Does the individual or organization to be commemorated have anything else named after him/her/it (i.e. a park, public building or monument) ☐ YES ☒ NO

If so, please identify: _____

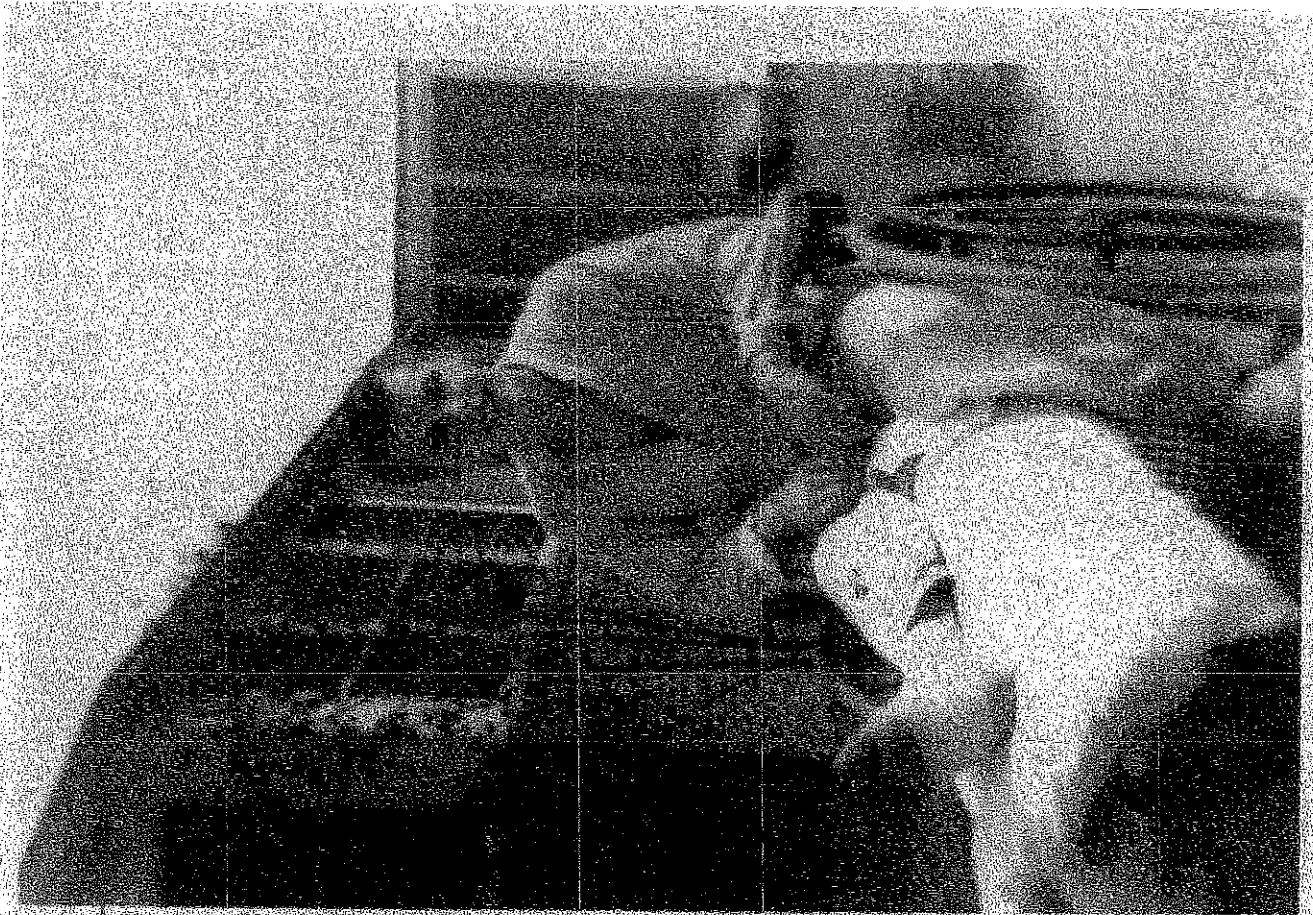
Have at least 75% of the property owners whose property fronts the street to be commemorated consented to the commemoration? ☒ YES ☐ NO If yes, please attach petition.

Does this application include letters of support for the street commemoration from applicable community groups? ☐ YES ☒ NO
If yes, please attach letters of support.









Frank Brazickis was born March 9, 1925 to Anthony and Agatha Brazicki, who 18 years later moved their family to Jersey City. That same year, Frank enlisted in the United States Army where he was soon deployed overseas to France and Germany and served during World War II. With only two weeks left in the War, Frank was shot in his right leg causing him to spend two years in a German Hospital, leaving him disabled. In that time, Frank was awarded the Infantryman's Combat Badge, Bronze Star and Purple Heart Medal, which he was very proud of and spoke about often.

Upon returning home from the Army in 1948, Frank bought "Brazicki's Tavern" from his father. The Tavern was a small, well-known establishment on the corner of Spruce Street and Liberty Avenue where neighbors and friends would frequent- during good times and bad. This Tavern became not only his business, but a place where anyone could, and would return to when they needed a helping hand, that of which Frank always extended.

Being a business owner helped Frank stay involved in his community- becoming a dedicated member, and eventually president of the Meagher Neighborhood Association.

While he worked extremely hard in the Tavern, and raising a family, Frank decided at the age of 43 that he would join the Hudson County Sheriff's Department. Despite his handicap from his war injury, he graduated the Police Academy and dedicated the next 25 years to Sheriff's Department, retiring in April of 1993.

Though he retired to Newton, NJ Frank and his wife Phyllis would visit their friends and family, and of course Brazickis Tavern; now owned by his oldest Son, Tommy, as often as they could. Frank always said the "hustle and bustle" of the City was always a part of him and returning, he was able to visit and remember all the familiar faces in which he became friends with and made many memories with over the years of owning a business.

Frank always spoke of his times as a business owner, sheriff's officer and most importantly, family man, and could go on and on for days with stories of his friends who he always considered family- - And if you knew Frank, and the Brazicki Family, you knew you always felt like family.

Dedicating the way from Spruce Street to the Dead End along Liberty Avenue would keep Frank's memory, spirit, and most importantly legacy alive.

Ordinance of the City of Jersey City, N.J.



ORDINANCE NO. Ord. 15.129
TITLE: 3.H SEP 9 2015 4.H

SEP 24 2015

An ordinance dedicating that Spruce Street to the dead end along
Liberty Avenue also be known as Frank Brazicki Way.

RECORD OF COUNCIL VOTE ON INTRODUCTION SEP 09 2015 3-0											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
GAJEWSKI	<i>ABSENT</i>			YUN	✓			RIVERA	✓		
RAMCHAL	✓			OSBORNE	✓			WATTERMEN	✓		
BOGGIANO	✓			COLEMAN	✓			LAVARRO, PRES.	✓		

RECORD OF COUNCIL VOTE TO CLOSE PUBLIC HEARING SEP 24 2015 7-0											
Councilperson <i>Coleman</i> moved, seconded by Councilperson <i>Osborne</i> to close P.H.											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
GAJEWSKI	✓			YUN	✓			RIVERA	✓		
RAMCHAL	<i>ABSENT</i>			OSBORNE	✓			WATTERMEN	✓		
BOGGIANO	✓			COLEMAN	✓			LAVARRO, PRES.	<i>ABSENT</i>		

✓ Indicates Vote

N.V.--Not Voting (Abstain)

SPEAKERS:

TOM BRAZICKI
RICHARD BRAZICKI

RECORD OF COUNCIL VOTE ON AMENDMENTS, IF ANY											
Councilperson _____ moved to amend* Ordinance, seconded by Councilperson _____ & adopted											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
GAJEWSKI				YUN				RIVERA			
RAMCHAL				OSBORNE				WATTERMEN			
BOGGIANO				COLEMAN				LAVARRO, PRES.			

RECORD OF FINAL COUNCIL VOTE SEP 24 2015 7-0											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
GAJEWSKI	✓			YUN	✓			RIVERA	✓		
RAMCHAL	<i>ABSENT</i>			OSBORNE	✓			WATTERMEN	✓		
BOGGIANO	✓			COLEMAN	✓			LAVARRO, PRES.	<i>ABSENT</i>		

✓ Indicates Vote

N.V.--Not Voting (Abstain)

Adopted on first reading of the Council of Jersey City, N.J. on **SEP 09 2015**
Adopted on second and final reading after hearing on **SEP 24 2015**

This is to certify that the foregoing Ordinance was adopted by
the Municipal Council at its meeting on **SEP 24 2015**

Robert Byrne
Robert Byrne, City Clerk

*Amendment(s):

APPROVED:

Rolando R. Lavarro, Jr.
Rolando R. Lavarro, Jr., Council President
Date **SEP 24 2015**

APPROVED:

Steven M. Fulop
Steven M. Fulop, Mayor
Date **SEP 25 2015**

Date to Mayor **SEP 25 2015**

City Clerk File No. Ord. 15.130

Agenda No. 3.I. 1st Reading

Agenda No. 4.I. 2nd Reading & Final Passage



ORDINANCE OF JERSEY CITY, N.J.

COUNCIL AS A WHOLE
offered and moved adoption of the following ordinance:

CITY ORDINANCE 15.130

TITLE:

**AN ORDINANCE AMENDING CHAPTER 304 (TAXATION) ARTICLE VI
(LONG TERM AND FIVE-YEAR TAX EXEMPTIONS; AFFORDABLE
HOUSING TRUST FUND) OF THE JERSEY CITY MUNICIPAL CODE**

THE MUNICIPAL COUNCIL OF THE CITY OF JERSEY DOES ORDAIN:

WHEREAS, there is a demonstrable need for the construction of more affordable housing throughout the City; and

WHEREAS, the City wishes to incentivize the construction of more affordable housing throughout the City; and

WHEREAS, to encourage the inclusion of on-site affordable housing within projects receiving a tax exception, it is incumbent to upon the City to make the period in which the units are subject to an affordable housing deed restriction co-terminus with the length of the tax exemption period.

NOW, THEREFORE, BE IT ORDAINED by the Municipal Council of the City of Jersey City that the following amendments to Chapter 304 (Taxation) Article VI (Long Term and Five Year Tax Exemptions Affordable Housing Trust Fund) of the Jersey City Code are hereby adopted:

ARTICLE VI

Long Term and Five Year Tax Exemptions Affordable Housing Trust Fund

§304-28. Contribution required.

- A. No long term tax exemption permitted under N.J.S.A. 40A:20-1 et seq., or five year tax exemption permitted under N.J.S.A. 40A:21-8 and Section 304-12 of the Jersey City Municipal Code, for any market rate housing project or any commercial or industrial project, shall be approved unless the recipient makes a contribution to the Jersey City's Affordable Housing Trust Fund, in accordance with N.J.S.A. 40A:12A-4.1 et seq., and this Chapter.
- B. No contribution shall be required of a recipient that by a recorded deed or agreement, restricts (thereby setting aside) a minimum of fifteen (15) percent of the project gross number of residential units within the project for low and moderate income affordable housing for a minimum period of thirty (30) years in accordance with the Fair Housing Act, N.J.S.A. 52:27D-301 et seq.
- C. Contributions to Jersey City's Affordable Housing Trust Fund shall be paid in accordance with N.J.S.A. 40A:12A-4.1 et seq. for a term equal to the length of the tax abatement.

**AN ORDINANCE AMENDING CHAPTER 304 (TAXATION) ARTICLE VI
(LONG TERM AND FIVE-YEAR TAX EXEMPTIONS; AFFORDABLE
HOUSING TRUST FUND) OF THE JERSEY CITY MUNICIPAL CODE**

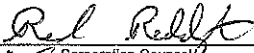
§304-29. Through §304-32. No Change.

- B. All Ordinances and parts of Ordinances inconsistent herewith are hereby repealed.
- C. This Ordinance shall be a part of the Jersey City Code as though codified and fully set forth therein. The City Clerk shall have this Ordinance codified and incorporated in the official copies of the Jersey City Code.
- D. This ordinance shall take effect at the time and in the manner as provided by law.
- E. The City Clerk and Corporation Counsel be and they are hereby authorized and directed to change any chapter numbers, article numbers and section numbers in the event that the codification of this Ordinance reveals that there is a conflict between those numbers and the existing code, in order to avoid confusion and possible accidental repealers of existing provisions.

NOTE: All new material is underlined; words in {brackets} are omitted.
For purposes of advertising only, new matter is indicated by **boldface**
and repealed matter by *italic*.

DJ/JJH/he
8/10/15

APPROVED AS TO LEGAL FORM



Corporation Counsel

APPROVED: _____

APPROVED: _____
Business Administrator

Certification Required ☒
Not Required ☐

ORDINANCE FACT SHEET – NON-CONTRACTUAL

This summary sheet is to be attached to the front of any Ordinance that is submitted for Council consideration. Incomplete or vague fact sheets will be returned with the Ordinance.

Full Title of Ordinance

AMENDING CHAPTER 304 (TAXATION) ARTICLE VI (LONG TERM AND FIVE-YEAR TAX EXEMPTIONS; AFFORDABLE HOUSING TRUST FUND) OF THE JERSEY CITY MUNICIPAL CODE

Initiator

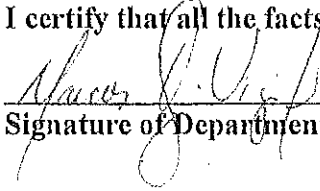
Department/Division	Mayor's Office	
Name/Title	Marcos D. Vigil, Deputy Mayor	
Phone/email	201-547-5200/mvigil@jcnj.org	

Note: Initiator must be available by phone during agenda meeting (Wednesday prior to council meeting @ 4:00 p.m.)

Ordinance Purpose

The City wishes to incentivize the construction of more affordable housing throughout the City; and encourage the inclusion of on-site affordable housing within projects receiving a tax exception. This amendment makes the period in which the units are subject to an affordable housing deed restriction co-terminus with the length of the tax exemption period.

I certify that all the facts presented herein are accurate.


Signature of Department Director


Date

Ordinance of the City of Jersey City, N.J.



ORDINANCE NO. Ord. 15.130
TITLE: 3.1 SEP 9 2015 4.1 **SEP 24 2015**

An ordinance amending Chapter 304 (Taxation) Article VI (Long Term and Five Year Tax Exemptions; affordable Housing Trust Fund) of the Jersey City Municipal Code.

RECORD OF COUNCIL VOTE ON INTRODUCTION SEP 09 2015 7-1											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
GAJEWSKI		ABSENT		YUN		✓		RIVERA	✓		
RAMCHAL	✓			OSBORNE	✓			WATTERMANN	✓		
BOGGIANO	✓			COLEMAN	✓			LAVARRO, PRES.	✓		

RECORD OF COUNCIL VOTE TO CLOSE PUBLIC HEARING SEP 24 2015 7-0											
Councilperson <u>COLEMAN</u> moved, seconded by Councilperson <u>OSBORNE</u> to close P.H.											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
GAJEWSKI	✓			YUN	✓			RIVERA	✓		
RAMCHAL		ABSENT		OSBORNE	✓			WATTERMANN	✓		
BOGGIANO	✓			COLEMAN	✓			LAVARRO, PRES.		ABSENT	

✓ Indicates Vote

N.V.--Not Voting (Abstain)

SPEAKERS:

YVONNE BALZER

RECORD OF COUNCIL VOTE ON AMENDMENTS, IF ANY											
Councilperson _____ moved to amend* Ordinance, seconded by Councilperson _____ & adopted _____											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
GAJEWSKI				YUN				RIVERA			
RAMCHAL				OSBORNE				WATTERMANN			
BOGGIANO				COLEMAN				LAVARRO, PRES.			

RECORD OF FINAL COUNCIL VOTE SEP 24 2015 5-2											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
GAJEWSKI	✓			YUN		✓		RIVERA	✓		
RAMCHAL		ABSENT		OSBORNE	✓			WATTERMANN	✓		
BOGGIANO		✓		COLEMAN	✓			LAVARRO, PRES.		ABSENT	

✓ Indicates Vote

N.V.--Not Voting (Abstain)

Adopted on first reading of the Council of Jersey City, N.J. on **SEP 09 2015**
Adopted on second and final reading after hearing on **SEP 24 2015**

This is to certify that the foregoing Ordinance was adopted by the Municipal Council at its meeting on **SEP 24 2015**

Robert Byrne, City Clerk

*Amendment(s):

APPROVED:

Rolando R. Lavarro, Jr., Council President

Date **SEP 24 2015**

APPROVED:

Steven M. Fulop, Mayor

Date **SEP 25 2015**

Date to Mayor **SEP 25 2015**

City Clerk File No. Ord. 15-131

Agenda No. 3. J. 1st Reading

Agenda No. 4. J. 2nd Reading & Final Passage



ORDINANCE OF JERSEY CITY, N.J.

COUNCIL AS A WHOLE

offered and moved adoption of the following ordinance:

CITY ORDINANCE 15-131

TITLE: AN ORDINANCE 1) APPROVING A FIVE (5) YEAR TAX EXEMPTION PURSUANT TO THE PROVISIONS OF N.J.S.A. 40A:21-1, ET SEQ., AND SECTION 304-12 OF THE MUNICIPAL CODE FOR PROPERTY DESIGNATED AS BLOCK 10004, LOT 2.01, ON THE CITY'S TAX MAP AND MORE COMMONLY KNOWN BY THE STREET ADDRESS OF 5-19 RT. REV. MSGR. LEROY MCWILLIAMS PLACE AND 141-151 ERIE STREET; AND 2) RESCINDING ORDINANCE 06-119, WHICH AUTHORIZED A 30 YEAR TAX EXEMPTION FOR THE PROPERTY

THE MUNICIPAL COUNCIL OF THE CITY OF JERSEY CITY DOES ORDAIN:

WHEREAS, by the adoption of Ordinance 06-119, the City of Jersey City approved a long term tax exemption for a term of 30 years for a condominium project to be located on Block 10004, Lot 2.02 (f/k/a Block 283, Lots A, B, C, D1, E1, J1, K, L, M, N, S and 5), on the City's Tax Map and more commonly known by the street address of 5-19 Rt. Rev. Msgr. Leroy McWilliams Place and 141-151 Erie Street, Jersey City, NJ [Property]; and

WHEREAS, in connection therewith, the owner paid the City an Affordable Housing Trust Fund installment in the amount of \$69,352 as well as a prepayment against the Service Charge of \$330,998; and

WHEREAS, the owner has now applied 1) to terminate its long term tax exemption; and 2) for the approval of a five (5) year tax exemption for a rental project; and

WHEREAS, pursuant to N.J.S.A. 40A:21-1 et seq., the City of Jersey City adopted Ordinance 05-060, Section 304-6 et seq. of the Municipal Code, to allow Five (5) Year Tax Exemptions which allows the Tax Assessor to regard the full and true value or a portion thereof of certain improvements as not increasing the full and true value of certain property for a period of five (5) years, provided the owner's application is approved by the Tax Assessor and by Ordinance of the Municipal Council; and

WHEREAS, pursuant to N.J.S.A. 40A:21-9 and Section 304-12 of the Municipal Code, a tax exemption for the construction of four (4) new buildings and substantially rehabilitating one (1) existing building to contain approximately ninety-nine (99) market rate residential units; approximately seven thousand seven hundred sixty (7,760) square feet of commercial space; and 29,943 square feet of space for eighty (80) parking spaces on the Property, is permitted for a period of five (5) years; and

WHEREAS, the owner, South Block, LLC [Entity] proposes to construct four (4) new buildings and substantially rehabilitating one (1) existing building to contain approximately ninety-nine (99) market rate residential units; approximately seven thousand seven hundred sixty (7,760) square feet of commercial space; and 29,943 square feet of space for eighty (80) parking spaces on the Property; and

WHEREAS, construction will be substantially complete on March 2016; and

WHEREAS, South Block, LLC, proposes to pay the City (in addition to the full taxes on the land, which shall continue to be conventionally assessed and are currently taxed at the sum of \$77,828) a tax payment for the new improvements on the property, as follows:

AN ORDINANCE 1) APPROVING A FIVE (5) YEAR TAX EXEMPTION PURSUANT TO THE PROVISIONS OF N.J.S.A. 40A:21-1, ET SEQ., AND SECTION 304-12 OF THE MUNICIPAL CODE FOR PROPERTY DESIGNATED AS BLOCK 10004, LOT 2.01, ON THE CITY'S TAX MAP AND MORE COMMONLY KNOWN BY THE STREET ADDRESS OF 5-19 RT. REV. MSGR. LEROY MCWILLIAMS PLACE AND 141-151 ERIE STREET; AND 2) RESCINDING ORDINANCE 06-119, WHICH AUTHORIZED A 30 YEAR TAX EXEMPTION FOR THE PROPERTY

- (a) 2016: the tax year in which the structure will be completed. \$0 taxes due on improvements;
- (b) 2017: the second tax year, 20% of taxes otherwise due on improvements, estimated to be \$107,491 (minus a prepayment credit of \$82,747);
- (c) 2018: the third tax year, 40% of taxes otherwise due on improvements, estimated to be \$214,982 (minus a prepayment credit of \$82,747);
- (d) 2019: the fourth tax year, 60% of taxes otherwise due on improvements, estimated to be \$322,473 (minus a prepayment credit of \$82,747); and
- (e) 2020: the fifth tax year, 80% of taxes otherwise due on improvements, estimated to be \$429,964 (minus a prepayment credit of \$82,747);

WHEREAS, the Tax Assessor has determined that the new construction will generate an additional tax payment of \$77,828 for land and \$537,455 for improvements, for a total of \$615,282 a year; and

WHEREAS, the applicant has agreed that in the event the Citywide revaluation results in a decrease in the estimated amount of actual taxes otherwise due, then for purposes of calculating a tax payment hereunder and for the five (5) year period, the amount shall be calculated on the higher of the amount estimated hereunder or the actual taxes otherwise due; and

WHEREAS, the application for tax exemption was complete and timely filed; the application was approved by the Tax Assessor and the commercial Project is eligible for tax exemption pursuant to N.J.S.A. 40A:21-9 and Section 304-12 of the Municipal Code; and

WHEREAS, upon the expiration of the tax exemption, the total assessment, including both land and improvements, will generate a total tax payment of \$615,282; and

WHEREAS, South Block, LLC, has agreed to pay the balance of the City's Affordable Housing Trust Fund or \$135,703, which shall be paid in two (2) equal installments as set forth in the Tax Agreement; and

WHEREAS, a copy of the five (5) year tax exemption application is attached hereto.

NOW, THEREFORE, BE IT ORDAINED by the Municipal Council of the City of Jersey City that:

1. The application, attached hereto, for a five (5) year tax exemption for the full and true value of four (4) new buildings and substantially rehabilitating one (1) existing building to contain approximately ninety-nine (99) market rate residential units; approximately seven thousand seven hundred sixty (7,760) square feet of commercial space; and 34,269 square feet of space for eighty (80) parking spaces, located in Block 10004, Lot 2.01, and more commonly known by the street address of 5-19 Rt. Rev. Msgr. Leroy McWilliams Place and 141-151 Erie Street, Jersey City, N.J., is hereby approved.

2. The Mayor or Business Administrator is hereby authorized to execute a tax exemption agreement which shall contain at a minimum, the following terms and conditions:

- (a) tax payment on the new improvements shall be (after applying the prepayment credit) as follows:

- (i) Year 1: the tax year in which the structure will be completed. \$0 taxes;

AN ORDINANCE 1) APPROVING A FIVE (5) YEAR TAX EXEMPTION PURSUANT TO THE PROVISIONS OF N.J.S.A. 40A:21-1, ET SEQ. AND SECTION 304-12 OF THE MUNICIPAL CODE FOR PROPERTY DESIGNATED AS BLOCK 10004, LOT 2.01, ON THE CITY'S TAX MAP AND MORE COMMONLY KNOWN BY THE STREET ADDRESS OF 5-19 RT. REV. MSGR. LEROY MCWILLIAMS PLACE AND 141-151 ERIE STREET; AND 2) RESCINDING ORDINANCE 06-119, WHICH AUTHORIZED A 30 YEAR TAX EXEMPTION FOR THE PROPERTY

- (ii) Year 2: the second tax year, 20% of taxes otherwise due on improvements, estimated to be \$107,491 or \$24,744;
- (iii) Year 3: the third tax year, 40% of taxes otherwise due on improvements, estimated to be \$214,982 or \$132,235;
- (iv) Year 4: the fourth tax year, 60% of taxes otherwise due on improvements, estimated to be \$322,473 or \$239,725; and
- (v) Year 5: the fifth tax year, 80% of taxes otherwise due on improvements, estimated to be \$429,964 or \$347,216.

The applicant has agreed that in the event the Citywide revaluation results in a decrease in the amount of actual taxes otherwise due for purposes of calculating a tax payment hereunder; during this five (5) year period, the amount due hereunder shall be calculated on the higher of the full amount estimated above or the actual taxes due after the revaluation; and

(b) The project shall be subject to all federal, state and local laws, and regulations on pollution control, worker safety, discrimination in employment, zoning, planning, and building code requirements pursuant to N.J.S.A. 40A:21-11(b).

(c) If, during any tax year prior to the termination of the tax agreement, the property owner ceases to operate or disposes of the property, or fails to meet the conditions for qualifying, then the tax which would have otherwise been payable for each tax year shall become due and payable from the property owner as if no exemption and abatement had been granted. The collector forthwith ad the tax collector shall, within 15 days thereof, notify the owner of the property of the amount of taxes due.

(d) With respect to the disposal of the property, where it is determined that the new owner of the property will continue to use the property pursuant to the conditions which qualified the property, no tax shall be due, the exemption shall continue, and the agreement shall remain in effect.

(e) At the termination of a tax exemption agreement, the new improvements shall be subject to all applicable real property taxes as provided by State law and regulation and local ordinance; but nothing herein shall prohibit a project, at the termination of an agreement, from qualifying for, an receiving the full benefits of, any other tax preferences provided by law.

(f) Affordable Housing Trust Fund: \$1,500 x 99 residential units, \$1.50 x 7,760 square feet of commercial retail space, and 29,943 square feet of space for eighty (80) parking spaces, for a total of \$211,544 minus the previous payment of \$69,352, for a balance of \$135,703 due and payable as follows:

- i. 1/2 or \$67,851 on or before the issuance of the first of any construction permit for the Project, but no later than six months after the date of the Tax Agreement; and
 - ii. 1/2 or \$67,851 on or before the date the first of any Certificate of Occupancy is issued for the Project, but no later than twenty-four (24) months after the date of the Tax Agreement.
3. An obligation to execute a Project Employment and Contracting Agreement and Project Labor Agreement to insure employment and other economic benefits to City residents and businesses.
 4. This Ordinance will sunset and the Tax Exemption will terminate unless construction of the Project achieves Substantial Completion within thirty-six (36) months of the date of adoption of the within Ordinance.

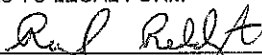
AN ORDINANCE 1) APPROVING A FIVE (5) YEAR TAX EXEMPTION PURSUANT TO THE PROVISIONS OF N.J.S.A. 40A:21-1, ET SEQ. AND SECTION 304-12 OF THE MUNICIPAL CODE FOR PROPERTY DESIGNATED AS BLOCK 10004, LOT 2.01, ON THE CITY'S TAX MAP AND MORE COMMONLY KNOWN BY THE STREET ADDRESS OF 5-19 RT. REV. MSGR. LEROY MCWILLIAMS PLACE AND 141-151 ERIE STREET; AND 2) RESCINDING ORDINANCE 06-119, WHICH AUTHORIZED A 30 YEAR TAX EXEMPTION FOR THE PROPERTY

5. The form of tax exemption agreement is attached hereto as Exhibit B, subject to such modification as the Corporation counsel or Business Administrator deems necessary.
6. The Tax Assessor shall send a copy of the fully executed Financial Agreement will be sent to the Director of the Division of Local Government Services in the Department of Community Affairs within thirty (30) days of execution pursuant to N.J.S.A. 40a:21-11(d).
- A. All ordinances and parts of ordinances inconsistent herewith, including Ordinance 06-119, are hereby rescinded.
- B. This ordinance shall be part of the Jersey City Code as though codified and fully set forth therein. The City Clerk shall have this ordinance codified and incorporated in the official copies of the Jersey City Code.
- C. This ordinance shall take effect at the time and in the manner provided by law.
- D. The City Clerk and Corporation Counsel be and they are hereby authorized and directed to change any chapter numbers, article numbers and section numbers in the event that the codification of this ordinance reveals that there is a conflict between those numbers and the existing code, in order to avoid confusion and possible accidental repealers of existing provisions.

NOTE: All material is new; therefore underlining has been omitted.
For purposes of advertising only, new matter is indicated by **bold face**
and repealed matter by *italic*.

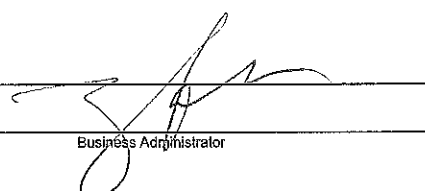
JM/he
9/9/15

APPROVED AS TO LEGAL FORM


Asst. Corporation Counsel

APPROVED: _____

APPROVED: _____


Business Administrator

Certification Required ☐

Not Required ☒

Ordinance of the City of Jersey City, N.J.



ORDINANCE NO. Ord. 15.131
TITLE: 3.J SEP 9 2015 4.J SEP 24 2015

An ordinance 1) Approving five (5) year tax exemption pursuant to the provisions of N.J.S.A. 40A:21-1, et seq., and Section 304-12 of the Municipal Code for property designated as Bvlock 10004, Lot 2.01, on the City's tax map and more commonly known by the street address of 5-19 Rt. Msgr. Leroy McWilliams Place and 141-151 Erie Street; and 2) Rescinding Ordinance 06-119, which authorized a 30 year tax exemption for the property.

RECORD OF COUNCIL VOTE ON INTRODUCTION SEP 09 2015 8-0											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
GAJEWSKI	<u>ABSENT</u>			YUN	✓			RIVERA	✓		
RAMCHAL	✓			OSBORNE	✓			WATTERMANN	✓		
BOGGIANO	✓			COLEMAN	✓			LAVARRO, PRES.	✓		

RECORD OF COUNCIL VOTE TO CLOSE PUBLIC HEARING SEP 24 2015 7-0											
Councilperson <u>RIVERA</u> moved, seconded by Councilperson <u>OSBORNE</u> to close P.H.											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
GAJEWSKI	✓			YUN	✓			RIVERA	✓		
RAMCHAL	<u>ABSENT</u>			OSBORNE	✓			WATTERMANN	✓		
BOGGIANO	✓			COLEMAN	✓			LAVARRO, PRES.	<u>ABSENT</u>		

✓ Indicates Vote

N.V.--Not Voting (Abstain)

SPEAKERS:

RECORD OF COUNCIL VOTE ON AMENDMENTS, IF ANY											
Councilperson _____ moved to amend* Ordinance, seconded by Councilperson _____ & adopted											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
GAJEWSKI				YUN				RIVERA			
RAMCHAL				OSBORNE				WATTERMANN			
BOGGIANO				COLEMAN				LAVARRO, PRES.			

RECORD OF FINAL COUNCIL VOTE SEP 24 2015 7-0											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
GAJEWSKI	✓			YUN	✓			RIVERA	✓		
RAMCHAL	<u>ABSENT</u>			OSBORNE	✓			WATTERMANN	✓		
BOGGIANO	✓			COLEMAN	✓			LAVARRO, PRES.	<u>ABSENT</u>		

✓ Indicates Vote

N.V.--Not Voting (Abstain)

Adopted on first reading of the Council of Jersey City, N.J. on SEP 09 2015
Adopted on second and final reading after hearing on SEP 24 2015

This is to certify that the foregoing Ordinance was adopted by the Municipal Council at its meeting on SEP 24 2015

Robert Byrne, City Clerk

*Amendment(s):

APPROVED:

Rolando R. Lavarro, Jr., Council President

Date SEP 24 2015

APPROVED:

Steven M. Fulop, Mayor

Date SEP 25 2015

Date to Mayor SEP 25 2015